



REQUEST FOR PROPOSALS (RFP)
Moynihan Train Hall Promotional Partnership Consulting and Broker Services

RFP Release Date: January 17, 2020
Q&A Response Date: February 3, 2020

The following is a list of responses to questions submitted by prospective respondents to the ESD Request for Promotional Partnership Consulting and Broker Services at the Moynihan Train Hall. A copy of the RFP is available at: https://esd.ny.gov/doing-business-ny/requests-proposals/moynihan-train-hall-promotional-partnership-consulting-and

Promotional Partnership Consulting and Broker Services RFP - Responses to Questions

Table with 3 columns: No., Question, Answer. Contains 3 rows of Q&A pairs regarding RFP submission deadlines, advertising rights, and tenant/developer restrictions.

No.	Question	Answer
4	Please provide additional detail on the expected process for Contractor’s coordination with Developer and tenants in relation to advertising and promotion	No direct coordination is required or expected. Contractor will only be required to coordinate with Developer and its Tenant to extend the partnership beyond digital content on the promotional platform. Any proposed relationship between promotional sponsors and retail/commercial Tenants may be evaluated and coordinated by ESD and the Developer.
5	Please provide copies of applicable agreements with Developer and other relevant parties that impact Contractor’s rights or impact the categories of advertisers or content that can be sold or displayed by Contractor.	The limited restrictions have been provided in the content restrictions document included in the supplemental materials.
6	Please provide renderings of the expected Developer advertising signage.	Developer does not have the right to advertising signage. ESD retained all rights to advertising signage. See “additional views” document in supplemental materials package which includes renderings of key components of the promotional signage Platform.
7	Please provide additional detail on how Contractor will be required to collaborate with (a) The Railroad Partners (b) The Farley Building’s Condominium board?	At this time it is not expected that Contractor will need to collaborate with these entities. Collaboration will only be required should a Contractor propose a partnership that extends beyond the digital and static assets of the promotional platform.
8	Please clarify the nature and purpose of the “master agreement with ESD for ongoing umbrella management of brand contracts”?	ESD desires an agreement with the Contractor efficiently structured to enable the Contractor, which is an expert in the promotional partnership industry, to enter into direct subcontracts with brands and provide day-to-day management services of all promotional partner relationships—on behalf of, and subject to performance oversight by ESD.

No.	Question	Answer
9	Please provide details on any existing brand partnership, sponsorship or advertising agreements that are expected to extend into the term of Contractor's agreement with ESD?	ESD does not hold any brand partnerships that would extend onto the train hall. Contract must abide by the limited restrictions referenced in Question 2.
10	Please Clarify how any existing brand partnership, sponsorship or advertising agreements will be handled at the start of Contractor's agreement with ESD?	This will be a new agreement for a new facility with no conflicting sponsorship or advertising agreements previously in place.
11	<p>Page 7 of the RFP states in part that "Selected Respondent will be expected to meet regularly with the Developer through Developer's leasing process in order to stay informed of tenants signed and to collaboratively establish tenant guidelines to ensure Respondent-brokered offers of exclusivity or other protected partnerships can be honored by ESD." Please clarify the following:</p> <ul style="list-style-type: none"> a. What exclusivity or protected partnerships have been granted to current tenants or tenants under contract? b. What exclusivity or protected partnerships are expected to be offered to prospective tenants? c. Does the Developer have the right to extend exclusivity or protections to tenants that impact the Network or limit the categories of advertisers or content on the Network? 	<ul style="list-style-type: none"> a. Tenants have no rights to exclusivity which could extend to the promotional platform. See response to Question 2. b. None. c. No.
12	<p>Section VII – P. 11</p> <p>Please provide additional detail on how the Diversity Practices Questionnaire will be evaluated and how points will be awarded?</p>	Responses will be reviewed and analyzed based on a standard Diversity Practices Scoring Matrix.

No.	Question	Answer
13	Regarding the second to last paragraph under the heading “Contractor Staff” on page 13, Will ESD Consider limiting approval rights for certain named key Contractor personnel or roles for the Project, rather than all Contractors staff assigned to work on the Project?	Yes, ESD will consider limiting approval rights to certain named key Contractor personnel or roles for the Project rather than all Contractor staff.
14	Sample Schedule A – P.24 Regarding the required RFP submission and the contract execution with the selected bidder, will ESD clarify how exceptions, clarifications or additions to the Sample Terms will be handled?	Schedule A includes ESD’s standard terms and conditions to which the successful bidder will be expected to agree. While changes are not encouraged, ESD will consider requested exceptions, clarifications or additions to Schedule A.
15	Approval of Subcontractors Will ESD consider omitting the requirements to expressly name the Corporation as the sole third intended third party beneficiary? This requirement is not applicable to the scope of services for the Project and applicable subcontracts may already be in place or may not relate solely to the Project.	ESD will consider omitting the requirement to expressly name the Corporation as the sole intended third party beneficiary for any subcontracts not related to the scope of services outlined in the RFP.
16	Ownership of Documents and Other Materials Please clarify what Contractor materials it expects to own in connection with the project?	ESD expects to have rights/ownership of: a) Marketing materials/collateral produced on behalf of the Train Hall b) ESD-owned copyrights, image rights, and other intellectual property
17	Will ESD consider providing for at least 90 days’ prior written notice for any termination without cause?	Yes, ESD will consider providing at least 90 days prior written notice for any termination without cause.

No.	Question	Answer
18	Will ESD consider providing for the payments to Contractor of Contractor’s applicable portion of revenues received from advertising and sponsorship agreements with terms extending beyond the termination or expiration	Contractor will hold the agreement between Sponsor and Contractor and provide monthly payments to ESD based on revenue received. Should payment terms for partnerships extend beyond the term of the agreement between ESD and Contractor, Contractor shall be required to pay all amounts due at the expiration of the term of the license agreement.
19	Will ESD Consider omitting the right to postpone, delay or terminate the Agreement in part or, alternatively, clarify this section to provide for equitable adjustment to Contractor’s financial commitments?	ESD expects to enter into a Master Agreement with the Contractor that will address ESD and Contractor’s rights to postpone, delay or terminate the Agreement.
20	Will ESD consider limiting Contractor’s indemnification obligations to third party claims resulting from negligence, intentional misconduct or material breach of the Agreement by Contractor or its Subcontractors?	ESD expects to enter into a Master Agreement with the Contractor that will more specifically address Contractor’s indemnification obligations with respect to the scope of services outlined in the RFP.
21	Will ESD consider revising Section 6.5 to limit confidentiality requirements to non-public materials supplied by ESD in Connection with this agreement?	ESD expects to enter into a Master Agreement with the Contractor that will more specifically address ESD and Contractor’s confidentiality obligations.
22	<p>Regarding Section 6.6 (Release & Discharge) will ESD consider eliminating this requirement from the Agreement?</p> <p>It appears to be inapplicable to the scope of services contemplated for the Project.</p>	See answer to Question 14.

No.	Question	Answer
23	Will ESD consider providing for a standard contractual limitation on indirect and consequential damages in the Agreement?	ESD expects to enter into a Master Agreement with the Contractor that will address indirect and consequential damages.
24	What is the resolution (pitch in mm) of the various LED displays proposed throughout the Train Hall?	The “advertising network” document included in the supplemental materials package provides and overview of LED resolutions. Further specifications will be distributed with all asset types, location, dimensions, and pixel pitch in a subsequent release of supplemental materials
25	Will ESD make available a copy of the attendee list from the Train Hall tour held on January 28 th , 2020?	ESD will release a copy of the attendee list from the prospective bidder Train Hall tour that was announced in the initial RFP and held on January 28 th , 2020.
26	Will ESD provide a revenue history and advertiser summary for the current advertising/sponsorship program in effect for ESD’s assets in the 8 th Avenue concourse?	No.
27	What is the process for working with or incorporating deals with Vornado/Related?	See response to Question 4.
28	Can we integrate brands into the screens showing Transit information?	Not contemplated at this time. The PIDS are restricted to transit information only.

No.	Question	Answer
29	Can we sell Alcohol, Beer, Spirits, Wine on the Digital Screens?	Content restrictions around alcoholic beverages will be addressed in a forthcoming release of additional supplemental materials.
30	Can we sell Alcohol, Beer, Spirits, Wine a Sponsorship Deal?	See above.
31	Can you provide a list of tenants for the building, retail, etc?	No. Tenant leasing is conducted by the Developer.
32	Do you have any additional information on what the art program will consist of, where it will be located within the Train Hall?	Summary information on the public art program will be available in forthcoming release of additional supplemental materials.
33	Can you identify where you think the activation areas could be? Will there be power at these locations?	Activation areas could include exterior entrance plazas on 8 th Avenue and on 33 rd and 31 st Streets, as well as interior spaces selected in consultation with the Railroad Stakeholders and the Developer. This may include areas of corridors and halls, including the main Train Hall, in accordance with the condominium documents and provided that the activation does not interfere with railroad operations. Power is available at exterior plazas and certain interior locations. A limited number of “media hydrants” allowing plug and play connections to train hall A/V equipment are available in the Midblock Hall area, as shown on the promotional platform plan document in the supplemental materials package.

No.	Question	Answer
34	Can you clearly identify which you believe to be the main entrances of the Train Hall?	There are five main entrances to the Train Hall (four on opening day, with the fifth, the 9 th Avenue entry, expected to open the following year with the completion of Phase 2B). A summary floor plan highlighting the entrances is included in the supplemental materials package.
35	Can you explain what is the purpose and function of the Moynihan APP will be?	The Moynihan Train Hall team plans to develop and launch a mobile app and/or mobile web-app that is likely to include key information about the facility, including wayfinding, links to relevant railroad and transit sites, retail/commercial tenant listings, guides to visitor amenities, as well as opportunities for features on topics such as the rich history of the facility, the public art program, the neighborhood, New York, etc.
36	Can you explain the uplighting system in the main train hall? What are its capabilities? What areas of the Train Hall will it illuminate?	The main Train Hall will feature a dynamic, programmable LED lighting system highlighting the key architectural elements of the train hall and its perimeter. The system includes color and brightness controls.
37	Do you know what the anticipated foot traffic will be?	Summaries of the anticipated visitor traffic data available will be included in the forthcoming release of additional supplemental materials.
38	Can you provide a more detailed description of the different phases of the project and timelines (i.e. 2A, 2b)?	Approximate timelines: 2A – train hall and train hall facing retail. Anticipated to open end of 2020. 2B – retail on 9 th avenue side of level 1 and commercial office in upper floors of building. Anticipated to open 12-18 months after Train Hall completion.



No.	Question	Answer
39	If we are planning on partnering with another company for this project, can we receive more pages to submit in the RFP since we will be describing multiple offerings?	Yes, partnering respondents can include additional pages for the sections of the proposal related to firm and staff experience and qualifications. Partnering respondents are still limited to the same number of pages for their project plan and approach.
40	Please clarify ESD’s expectations in terms of the financial structure and compensation terms. Item #3 in the RFP Bid Scoring Matrix refers to a “commission structure”. Is this an indication that ESD prefer a revenue share agreement versus a Minimum Annual Guarantee (MAG)?	Respondent’s offer should exemplify their view of a best total value to ESD.
41	Please elaborate and identify if there are specific brand restrictions. For example, will the winning bidder be permitted to market the program to airlines (Jetblue, Delta, American) who fly within the Northeast? Or would these be considered by ESD as a competitor of Amtrak?	Limited brand restrictions are described in the supplemental materials package, as referenced in Question 2.
42	Is there opportunity for activations/events within the entire common areas of the train hall or are there certain areas off limits?	See response to Question 33.
43	Will the winning bidder have opportunity to develop new locations (static or digital) not identified in this RFP?	Additional opportunities not identified in this RFP may be developed in consultation with ESD and in accordance with the condominium documents.
44	The RFP allocated 5 points for Diversity Practices based on the Diversity Practices Questionnaire. Will MWBE participation in the RFP count toward these points as well?	Per questions 8 of the Diversity Practices Questionnaire, the MWBE participation identified in the Utilization Plan submitted will be reviewed as part of scoring Diversity Practices.



No.	Question	Answer
45	Can the 15% MBE and 15 WBE goals be combined -for example, 30% WBE?	Respondents should provide a plan to meet the goals identified in the RFP to the best of their abilities.
46	Are the MWBE and SDVOB percentages outlined in the RFP goals or requirements?	If any MWBE and/or SDVOB goals are assessed on the resulting contract, the contractor will need to meet the good faith efforts standards identified in Articles 15-A and 17-B of the New York State Executive Law.