

Request for Proposals

FOOD TRUCK CONCESSION RFP
PRINCESS JULIANA INTERNATIONAL AIRPORT
SXM AIRPORT



Princess Juliana
International Airport

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Princess Juliana
International Airport

REQUEST FOR PROPOSALS
FOR THE DEVELOPMENT AND OPERATION OF
A FOOD TRUCK CONCESSION
2020 - 2022



PRINCESS JULIANA INTERNATIONAL AIRPORT
OPERATED BY PRINCESS JULIANA INTERNATIONAL AIRPORT OPERATING COMPANY (PJIAE)
PHONE: +1-721-546-7542
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SINT MAARTEN

PART I – GENERAL INFORMATION

Introduction

Princess Juliana International Airport would like to expand its food truck concession program by adding additional food truck concessions to the two existing trucks currently in operation outside the airport terminal.

By way of this concession tender PJIA would like to stay up to date with current concession and Food and Beverage (F&B) trends in introducing new, innovative food offerings at the airport. This is also a great opportunity for local entrepreneurs with an interesting offering to showcase the best that St. Maarten has to offer.

It is important to PJIA is to ensure that the future concessions are in line with current airport/F&B trends, that the concession operator is experienced and capable of operating the concession and that the concept helps to display a taste of St. Maarten.

Based on the responses to this RFP, PJIA will decide on the type of F&B that would be selected and the amount of concessions that would be selected. This document outlines the concession tender process and requirements that potential bidders would need to follow in order to qualify as a tender applicant.

As the airport is undergoing several changes and phases in the process of fully reopening the terminal. This calls for close coordination and collaboration between the bidder and airport.

By taking part in this bid, the bidder will be seeking to apply for this food truck concession opportunity at SXM Airport.

In relation to this RFP, certain informational documents will be made available to the bidders for use during the proposal process. The bidders must handle the documents listed below with confidentiality.

Attachment Documents include:

1. Food truck Concession RFP Response Sheet
2. About PJIAE

Timeline

Activity	Date/Time/Location
PJIAE Releasing RFP	December 10, 2019 at 9:00 a.m.
Deadline for submission of questions or requests for clarification. (All questions and request should be submitted via email/in writing)	December 16, 2019 at 4:00 p.m. All (written) inquiries must be directed to: Evans Marsham Manager Purchasing Contact details below
PJIAE Response to questions	December 20, 2019
Proposal Submittal Deadline	December 27, 2019 at 4:00 p.m. Submit to: Evans Marsham Manager Purchasing
Selection of preferred bidder	January 2020
Notification to Bidders	January 2020
Estimated Concession award date	January 2020

This schedule is subject to change at the sole discretion of the Airport.

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PJIAE's Contact Person:

Contact Name	Mailing Address	Email Address	Phone Number
Evans Marsham Manager Purchasing	Princess Juliana International Airport Airport Road 99, Simpson Bay, St. Maarten Special Delivery Instructions: Puerto Del Sol Cole Bay Office	procurement@sxmairport.com	+1 (721) 520-2895

In accordance with the RFP timeline, *bidders should submit a proposal package to PJIAE's contact person identified above in this RFP:*

- Incomplete proposal packages and proposals received after the submission deadline maybe subject to disqualification
- Proposal package must be signed by the authorized representative with each page initialed
- Proposal package must be complete and enclosed in a sealed envelope, the envelope should be clearly labeled "
- Bidders are responsible for confirming that the proposal package was delivered timely to PJIAE's contact person
- Upon positive confirmation of delivery, bidders may email an electronic (.pdf) copy of the proposal package to PJIAE's contact person

Restoring PJIAE In Packages

Due to Hurricane Irma devastating the airport facilities on September 6, 2017, Princess Juliana International Airport Exploitiemaatschappij N.V. (PJIAE) will need to restore various airport properties and full operations. The Airport Terminal will be rebuilt in three phases called Packages. These packages are outlined below.

1. Package 1 - A temporary terminal facility has been built in time for the winter seasons 2018. The terminal was opened in December 2018. All passengers are held in 2 common hold rooms as defined on the drawings.

This temporary facility has been in place since December 2018 until Spring/Summer

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2020.

2. Package 2 - A new terminal facility will be built in time for Spring/Summer 2020 opening. This facility will be similar size and configuration of the Princess Julianna Airport prior to Hurricane Irma. The facility will have 4 boarding bridges and hold rooms in operation for jet aircraft going to the United States and International. The Level 0 facility for inter-island traffic will continue to operate. The new Level 1 facility will include dedicated hold rooms for each gated aircraft. There will be a commercial zone that will encompass 10 retail concessions, a cart kiosk area with 3 retail carts and 5 food and beverage concessions. This facility is estimated to be phased into operation starting from Fall 2020 - Summer/Fall 2021.

The drawings for the 3 packages are not finalized at the time of issuing the RFP therefore, therefore, the most recent drawings have been provided.



1. Project Background

SXM Airport is interested in exploring the option of adding more food trucks to the already existing food trucks offering at the airport premises.

There are currently 2 food truck concessions at the airport just outside of the arrivals/just before entering the airport terminal. These concessions are namely Johnny Burger and Dominos.

These food trucks allow the respective concessions to prepare fresh food due to the current limitations of not being able to cook food in the airport terminal in the current package 1 conditions. However, the food trucks also allow for these concessionaires to operate a secondary sales point.

In addition, this food truck area allows SXM Airport to increase its concession offerings in the face of the current space constraints in the terminal building.

Complementary Category

SXM Airport employs a semi-exclusive product category strategy for its concession program. There is only one concessionaire allowed rights to a particular product category. This means that any bidder considering applying for a food truck concession space would need to take into

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consideration the current (landside) concession offerings already available at the airport.

See below a list of the current airport concessions and their main product categories;

Food & Beverage Concessions	Product Category
Subway	Fresh sub Sandwiches (landside)
Domino Pizza	Pizza food truck (landside and airside)
Market By Villa	Food and wraps (landside)
Johnny Burger	Burgers food truck (landside and airside)
Bacchus	French Bakery (airside)
Esca	Wraps (airside)
Aunt Clara	Ice Cream (airside)
Taloula Flights	Bar (airside)

Retail Concessions	Product Category
Dutch Delight	Convenient store (landside)
Shipwreck Shops	Souvenirs (airside)
Relay	Books and Magazines (airside)
Ama	Jewelry (landside)
Gouda Liquor store	Liquor (airside)
Princess Promenade	Duty Free (airside)

2016 numbers as benchmark

Due to the effects of the hurricane, the number of yearly passengers making use of the terminal building has decreased. In the meantime, PJIAE is using the 2016 passenger numbers as the benchmark numbers to measure recovery. Since the beginning of 2019, PJIAE has seen an increase from 60 – 95% of the 2016 passenger numbers. Forecasts projects that SXM will be back to 2016 numbers by early 2020.

Response Sheet

In responding to this bid, the bidders would need to submit a copy of the full proposal, plus a short presentation/pdf based on the questions in the Response Sheet.

Digital Submissions

All bids will only be considered if submitted in hard copy (instructions outlined in the respective sections of this document). Bidders are allowed and are requested to submit an exact digital copy of the proposal only after the Proposal Submittal Deadline of the hard copies; **December 27, 2019 at 4:00 p.m.**

Attachments

Certain informational documents will be provided to the companies for use during the proposal process. The companies taking part in the bid must handle the documents listed below and all other information in relation to this RFP with confidentiality,

2. Project Scope of Work

In taking part in this tender process, the bidder must assume responsibility for the setup and buildout of the eventual concession space. These designs must be in accordance with PJIAE themes and guidelines and must meet PJIAE written approval.

The look and feel of the units including architectural drawings must be submitted to and be approved by PJIA management and/or their representative. The purchase and installation of the entire fit out including hardware, millwork and electrical components is the responsibility of the concession operator. The maintenance and upkeep of the machines, millwork and electronic

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screens are under the care and attention of the concessionaire throughout the entire term of the contract. The level of care of the units must be of the exceptional standards as set out by PJIA.

The concessionaire is also expected to be operational during regular operating hours – from 6am until 9pm/10pm.

It is incumbent of the Operator to arrange for maintenance time slot, government approvals, for access and escorting of personnel to fix the concessions, millwork and electronic screens etc.

The concessionaire will also be responsible for receiving all written approvals to operate within the airport terminal by all government authorities. These approvals will be shared with PJIA, who will hold a copy on their files.

PJIAE is requesting proposals to conduct the following work in/around the terminal building:

1. Design and receive approvals of the look and feel from PJIA
2. Obtain the appropriate Authority's approvals, including but not limited to:
 - All government agencies including Central Bank, food handlers permit etc.
3. Construction and Installation of concession unit as per PJIA's standards
4. Maintenance and upkeep
5. Refurbishment of concession to keep technology current
6. Interface to SXM's concession management system/POS system in order to provide financial reports and overviews.
7. Marketing and Promotion, including advertising of concession in order to grow the business.
8. Proper running and management of the concession including timely payments of concession fees, adhering to agreements etc.
9. The vendor (and the system the vendor uses) should provide reports including, but not limited to performance, system usage etc. to PJIAE.

3. Project Requirements

Bidders must meet the following requirements to be considered for this project:

1. Architectural design and approval of design by PJIA
2. Approval of installation by PJIA or their approving authority
3. Approval to operate by all government authorities, including all required business licenses to operate (at the airport).
4. Operations plan for the day to day operation of the machines/concession including customer service, maintenance and audits. The plan must be signed off in writing by PJIA before commencement of the operation.
5. The movement or installation or commissioning and decommissioning expenses of all existing and/or incremental changes in the concession or other components of the

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- concession including millwork, charging units, electronic screens, lighting during the term of the agreement.
6. The refurbishment of all machines and components to be fully activated by the halfway date of the contract.
 7. The removal and repair of the airport base building area to PJIA standards upon completion of the term or during the timeframe of the lease term should it be deemed necessary by PJIA.
 8. To answer immediately all customer questions, written complaints, concerns, clarification or refunds and/or winnings.
 9. The concession operator is responsible for receiving and sharing customer and non-customer/passenger feedback with PJIA. Feedback is based on, but not limited to, written submissions, mystery shops, surveys.
 10. PJIA may request the relocation of the concession/machines at any time due to operational requirements.
 11. The concession operator will partake in all events coordinated by PJIA.
 12. The bidder shall observe sustainable guidelines for operating the program as set by PJIA
 13. Construction / Demolition Requirements
 - a. Provide own equipment, tools, safety gear, etc.
 - b. The bidder shall draft time schedule according to which the demolition shall be completed
 - c. The bidder shall adhere to PJIAE Security Badge regulations
 - d. The bidder shall erect and put at the disposal of the project management within a week after the awarding of the contract and up to the substantial completion of the works, a solid site office at a place to be indicated by the project management. The office must be equipped with electric lighting, wall sockets, portable water, air-conditioning, and WiFi internet
 - e. The bidder shall have qualified experts in the field of hazardous material treatment
 - f. The bidder shall maintain on sight required equipment to contain hazardous material
 - g. The bidder will be fully responsible the safe disposal of any hazardous material
 - h. The bidder shall conduct work so as not to interfere with any airport operations
 - i. The bidder is responsible for the immediate correction of any reported violations
 - j. The bidder is responsible for equipment safety and compliance to local regulations
 - k. The bidder shall obtain all permits, licenses, and maintain these documents at the project site where work is to be performed and have such documents readily available
 14. Insurances
 - a. A Construction All Risk insurance covering for all parties involved in the works
 - b. Third party liability insurance for all equipment in the use of the bidder
 - c. An accident insurance covering the bidder's workers against personal accidents
 15. Safety
 - a. The bidder shall provide a first-aid kit as required by safety inspection
 - b. The bidder shall provide a portable fire extinguisher on every floor level

- c. Construction materials and equipment shall not be placed or stored to obstruct access to fire hydrants
- d. The bidder shall be responsible for control of personnel and equipment within the work area
- e. The bidder shall supply a Contractor Safety Plan to affirm their commitment to PJIAE Safety Plan
- f. The bidder is required to install an adequate safety/security wall of the construction site
- g. The bidder is required to install required safety signage at all entrances and within the immediate demolition area on the job site

4. Proposal Qualifications

PJIAE will assess the proposals based on the ability to meet the scope of work, project requirements, and proposal qualifications.

1. General Qualifications:
 - a. Submit proposals in English.
 - b. Include the Company Name, Company Form (such as Ltd., Company, N.V., B.V.), Business Address, Contact Name, Phone Number, and Email Address.
 - c. Local companies: copy of the articles of association as currently in force (or other document from which the authority and due representation of the company can be assessed), an up to date excerpt of the Sint Maarten Chamber of Commerce and Industry not older than 1 month, proof of this year's valid Business and Directors Licenses or the latest available at the time of the request for proposal (RFP), proof of registration with the Tax Department and Social & Health Insurances.
International companies: include up to date certificate of good standing or comparable document, such as a certification of the Secretary of State, no more than 4 weeks old, official business license or equivalent documentation.
 - d. Include subcontractor business information, if applicable.
 - e. Include a list of 3 business references or business reference letters.
 - f. Include an organizational chart of the bidder and the group of companies to which it may belong, also clearly identifying the ultimate beneficial owners and their ownership percentages.
2. Eligibility Qualifications:
 - a. Bidder's business purpose must be in alignment with the requested product and services.
 - b. Include examples of delivering the specific products and/or services requested in this RFP.
 - c. Include a declaration statement that the bidder does not have any conflicts of interest with PJIAE and Country Sint Maarten.

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- d. Include a declaration that the bidder, its directors and ultimate beneficial owners have not been convicted on the basis of tax evasion, money laundering, fraud or bribery, or if this is the case, details of the relevant matter.
 - e. For local bidders only: include a declaration statement indicating that the bidder is up to date on all tax payments, declaration statement that the bidder is up to date on social insurance premium payments.
 - f. Include a declaration statement that the bidder is not currently in bankruptcy or has been granted a moratorium of payments (e.g. Sint Maarten court document) or equivalent in a foreign jurisdiction.
 - g. Include information that demonstrates financial stability of the bidder (e.g. financial statements, auditor opinion, bank reference letter, etc.).
3. Technical Qualifications:
- a. Include qualifications to address the requested items within the scope of work and respective project requirements.
 - b. Describe experience with this type of project.
 - c. Include a list of the proposed professional team with qualifying experience.
 - d. Include an estimated delivery timeframe by project phases.
4. Financial Proposal must include:
- a. Grand total for entire scope of work indicating if it concerns a fixed price proposal.
 - b. Payment plan structure for total fees.
 - c. Overview of one-time and recurring fees

5. Submission Instructions and Notifications

Bidders must adhere to the submission instructions as described below to be considered for this project.

By responding to this request and submitting a proposal, bidders acknowledge that they shall conform to the provisions of this RFP and the related documents thereto and accept the following:

1. All official communications regarding this RFP are only valid from authorized representatives of PJIAE's Procurement Department.
2. Responding to this RFP does not constitute any binding agreements with PJIAE.
3. Understands that no one other than the PJIAE's Managing Board can officially bind PJIAE.
4. Understands that PJIAE's Managing Board are the only individuals that can officially enter into signed agreements with counterparties, which is contingent on obtaining PJIAE's Supervisory Board of Directors approval.
5. Agrees that the bidder will bear all costs associated with its proposal preparation, including but not limited to business development costs, printing and delivery costs, travel and expenses, and all other costs associated with proposal preparations and negotiations prior to signing an agreement and/or proceeding with the project.

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6. Understands that the bidder cannot claim any right to compensation of any damages or other loss against PJIAE as a result of responding to this RFP, the participation in or exclusion of the RFP, the content of the awarding decision or PJIAE not entering into the assignment and any and all of such claims are expressly waived and excluded in advance by participating in this RFP.
7. Understands that PJIAE reserves the right to add or remove bidders at its sole discretion. PJIAE also reserves the right not to accept any proposal submitted and may seek additional proposals from any other party or parties.
8. Understands that prior to signing any agreement, PJIAE reserves the right to re-evaluate proposals, withdraw and cancel this RFP, and/or republish the same or modified RFP at a later date.
9. PJIAE reserves the right to select one or multiple bidders to provide services for specific phases and/or provide services throughout the entire project.
10. At all times, PJIAE can terminate any discussions and/or negotiations with any bidder with or without reason.
11. The bidder must maintain its proposal for a minimum period of one hundred and twenty (120) calendar days from the date of the bid.
12. PJIAE is not obliged to proceed to contract-awarding or to actually award the assignment.
13. PJIAE evaluates the proposals received on the basis of the RFP and determines in its sole discretion the most favorable proposal, if any. The bidder whose bid has been determined by PJIAE to contain the most favorable proposal, if any, is for purposes hereof referred to as the "preferred bidder".
14. PJIAE may request the preferred bidder to clarify aspects of its proposal or to confirm agreements included in the bid, on the condition that this leaves the intrinsic aspects of the proposal unchanged and the clarification does not lead to unfair competition or discrimination.
15. PJIAE shall inform the bidders by individual written notices, as much as possible simultaneously, of the decisions which have been taken based on the foregoing, taking paragraph 5, articles 16 and 17 into account.
16. The individual notices, meant in paragraph 5, article 15, to the bidders that have not been selected as the preferred bidder, shall mention (i) that they have not been selected as the preferred bidder, and (ii) the name of the preferred bidder, the later unless PJIAE to safeguard the integrity of the bidding process decides not to disclose the name of the preferred bidder.
17. The individual notice, meant in paragraph 5, article 15, to the preferred bidder, shall mention that the preferred bidder is being considered for the assignment by means of contract awarding. This notice of the intended contract awarding does not imply acceptance as meant in article 6:217 (1) of the Sint Maarten Civil Code of the bid of the preferred bidder by PJIAE.
18. As determining the most favorable proposal and selecting the preferred bidder are at the sole discretion of PJIAE, PJIAE shall have no obligation to inform any bidder of the reasons for the rejection of its proposal or such bidder not being selected as the preferred bidder.

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19. If PJIAE decides not to proceed to contract awarding and if necessary, to start up the RFP process again or to award the assignment privately, PJIAE shall inform the bidders, as much as possible simultaneously, in writing. PJIAE shall not be obligated to provide any information on the reasons for such decision or with regard to the (subsequent) contract awarding.
20. The RFP and all related documents are exclusively governed by Sint Maarten law.
21. Any dispute between the persons involved with the RFP shall be submitted exclusively to the Court in First Instance of Sint Maarten.
22. If, within 7 (seven) calendar days after sending the notices, meant in paragraph 5 articles 15 or 19 above, summary proceedings are brought by a bidder before the Court in First Instance of Sint Maarten against the awarding decision of PJIAE and notice thereof is served on PJIAE within such term, PJIAE shall subsequently not be authorized to enter into the assignment with the preferred bidder, restart the RFP or award the assignment privately, as applicable, as long as judgment has not been made in first instance, unless parties have come to an agreement. The right to bring summary proceedings before the court against the decision of PJIAE to enter into the assignment with the preferred bidder, restart the RFP or award the assignment privately, shall expire after the passing of the seven (7) calendar days mentioned in this article.
23. Without limiting the foregoing, by participating in this RFP, a bidder declares that it shall not bring any claim against PJIAE or any of its directors, agents, consultants or employees in the courts or otherwise, except as provided in paragraph 5 article 22.
24. Proposals that contain qualifying conditions or fail to conform to these Instructions may be disqualified or rejected. Collusion between Applicants is sufficient cause for rejection of all Proposals affected.
25. Proposals must conform to all Instructions.
26. Proposals are not to be sent by any electronic means of communication (e.g. facsimile or electronic mail) before first being submitted in hard copy.
27. **ONE (1) ORIGINAL AND THREE (3) COPIES (Four (4) COMPLETE SETS) OF THE PROPOSAL MUST BE SUBMITTED TO:**

Princess Juliana International Airport Operating Company N.V.

**Attention: Mr. Evans Marsham, Procurement Manager
PJIAE Offices,
Sky Port Building
Simpson Bay
Sint Maarten**

28. Proposals shall be submitted in a sealed envelope bearing the name and address of Applicant and marked:

**Request for Proposals Package
FOOD TRUCK CONCESSION
TERMINAL BUILDING**

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29. Proposals must be in writing and received by PJIAE at its offices above in Section 7.3 before Closing Time. Proposals received after Closing Time will be returned unopened. Proposals sent by facsimile or email will be considered not accepted.
30. Proposals shall be prepared and completed on the attached forms, with all schedules fully and properly completed and with the pro-forma statements also being submitted on a USB memory stick. Please complete proposals in English in ink or type; pencil is not acceptable. Should there be insufficient space on the Form of Proposal or Schedules, additional sheets appropriately marked and identified, may be attached. No additions, deletions, interlineations or modifications shall be made to the Form of Proposal or Schedules.
31. Proposals shall be dated and signed by a person, duly authorized to sign on behalf of the Applicant. Signatures shall be in original handwriting; facsimile signatures will not be accepted.
32. Each page of the Form of Proposal and Schedules shall be initialed by the authorized person whose signature appears on the execution page of the Form of Proposal.
33. PJIAE will assume that all statements in writing, made by persons submitting Proposals are true, accurate, complete and not misleading. All such statements will constitute representations and warranties made to PJIAE.
34. Proposals, which contain qualifying conditions or otherwise fail to conform to these Instructions may be disqualified or rejected. Anything to the contrary herein notwithstanding, PJIAE may elect to retain for consideration (and may elect to accept, regardless) Proposals that are non-conforming, and may waive any non-compliance, irregularity, error, or time stipulation required by these Instructions. The stipulations herein are for the sole benefit of PJIAE and may be waived by PJIAE unilaterally.
35. A security deposit (cheque) in the amount equal to two (2) months Concession MAG Fee, must accompany the proposal. This amount equals 1/6th (one sixth) of the forecast concession fee over the first 12 (twelve) months of the concession operation. Security deposits will be returned, without interest, to unsuccessful Applicants within 60 days after PJIAE has determined which, if any, Applicant has been successful. Deposits for the successful Applicants will be retained for the duration of the Concession Agreement all in accordance with the terms set out therein.

6. Proposal Evaluation, Negotiations and Assignment

1. Any bidder that does not meet the eligibility requirements and the Project Requirements of Article 3 may be subject to disqualification.
2. The preferred bidder(s) shall be selected based on the most favorable bid. To determine the most favorable bid, among others, the quality of the performance presented, the service presented, and the price shall be qualifying. Determining the most favorable bid shall be at the sole discretion of PJIAE.

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3. Only the Managing Board of PJIAE may provide approval to start negotiations with the preferred bidder(s). Entering negotiations does not legally bind PJIAE to the preferred bidder(s).
4. Any binding commitments of PJIAE are subject to the prior approval of the Supervisory Board of Directors of PJIAE.
5. The assignment to the preferred bidder shall only be completed, valid and binding upon a written contract having been signed or authorized by the Managing Board of PJIAE with the preferred bidder and for which the approval of the Supervisory Board of PJIAE has been obtained.

PART II - ADDITIONAL INSTRUCTIONS

7. Clarifications, Questions and Inquiries

1. PJIAE may issue additional information, clarification or modification to the Documents by written Addendum. PJIAE shall not be bound by oral or other informal explanations or clarifications not contained in such addenda.
2. Answers and/or clarifications to questions will be sent to all Applicants who have requested Documents according to the records of PJIAE.
3. Applicants shall notify PJIAE in writing should they find any inconsistency, discrepancy, ambiguity, error or omission in the Documents.
4. Applicants, if uncertain or in doubt as to the intended meaning of the Documents, or of any term in the Documents, may submit to PJIAE a written request for clarification.
5. Applicants using any electronic transmissions to make inquiries relative to their Proposal assume the entire risk that the email or facsimile document will be properly received by PJIAE, on time or at all, and that all other requirements herein will be satisfied. PJIAE shall not be liable to the Applicant if its email or facsimile document is not properly received on time or at all due to the malfunctioning of PJIAE's equipment, the errors or omissions of PJIAE's employees or agents, the interruptions or inability to obtain a connection with PJIAE's equipment, the response time of PJIAE's equipment, insufficient paper supply for facsimile machines or for any reason whatsoever.
6. All written Addenda issued by PJIAE before Closing Time shall be delivered to all Applicants who have requested Documents according to the records of PJIAE. All Addenda shall be incorporated into and become part of the Documents.
7. Applicants shall complete the Form of Proposal acknowledging receipt of all Addenda.
8. Applicants shall examine all Documents and make independent judgment as to circumstances and conditions affecting the business opportunity and their Proposal. Failure on the part of Applicants to examine and investigate thoroughly shall not be grounds for any claim that Applicant did not understand the conditions of the Proposal.
9. Each Applicant shall, before submitting its Proposal, thoroughly examine and assess the requirements and specifications set out in notices, directives, standards, orders and regulations, licensing and permit requirements and other circumstances which may affect its Proposal. Submission of a Proposal constitutes a representation by Applicant that it is familiar with and accepts all of the foregoing.

8. Conditions

1. The evaluation of responses will be based on a number of factors, weighted according to the needs of PJIAE. The highest or any Proposal will not necessarily be accepted. Any implication that the Proposal with the highest financial bid will be accepted, or that any Proposal at all will be accepted, is hereby expressly negated. PJIAE reserves the right to accept the Proposal that it deems most advantageous, and the right to reject any or all Proposals for any reason. In no event will PJIAE be responsible for the costs of preparation and submission of Proposals.
2. PJIAE reserves the right to evaluate submissions according to any criteria it determines to be appropriate. Generally, PJIAE will make its selection based upon the quality of the Proposal Submission and the value of the business opportunity.
3. Applicants must clearly and unambiguously show that they have the financial capacity to successfully develop and operate the Proposed Concession.

Other factors that will be evaluated are:

- Net present value of concession percentage to PJIAE.
 - Reasonableness of an Applicant's financial forecasts and assumptions.
4. To give Applicants some guidance, PJIAE will evaluate the principal criteria:
 - Business plan / Financial analysis/ Investment / Store and category plan / Marketing plan / Logistics plan / Human resource plan / Sense of place
 - Financial proposal: MAG and percentage per category
 5. Applicants must propose a minimum annual guarantee (MAG) and/or percentage rent, whichever is the higher in order to qualify as the successful Applicant. Minimum annual guaranteed rents should escalate by expansion of business.
 6. An Applicant, at their cost, may be required to make a verbal presentation to PJIAE's selection committee, if deemed beneficial in its decision-making process.
 7. PJIAE reserves the right to negotiate proposals with any Applicant or with another Applicant or Applicants concurrently. In no event shall PJIAE be required to offer any modified term to any Applicant. PJIAE shall incur no liability to any Applicant as negotiations or modifications.
 8. Each Applicant submitting a proposal acknowledges and agrees, by submitting a Proposal, that PJIAE will have no liability or obligation to any Applicant except only the Applicant, if any, awarded the Concession Agreement by PJIAE at its sole discretion. Each Applicant agrees that, if it is not awarded the Concession Agreement, then whether or not PJIAE has discharged any express or implied obligation, PJIAE shall be fully and forever released and discharged of all liability and obligation in connection with this Request for Proposals.

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9. In particular, PJIAE shall not be under any obligation to return or save either the original or any copies of any Applicant's Proposal, and all documents submitted to PJIAE, whether original or copies, shall be kept or disposed of by PJIAE.
10. This Request for Proposals does not constitute an offer. No agreement shall result upon the submission of Proposals. PJIAE shall not be under obligation to enter into any agreement with anyone in connection with this Request for Proposals and responses received. PJIAE will not have any obligation to anyone in connection with this Request for Proposals unless PJIAE executes and delivers an agreement in writing approved by PJIAE's President.
11. PJIAE may, anything to the contrary notwithstanding, if considered to be in the best interests of PJIAE or most advantageous, at any time elect to request re-submissions by the Applicants, or by one or more of the Applicants as PJIAE determines to be in the best interests of PJIAE or most advantageous, and may undertake the entire process (including the RFP and all steps that preceded), or one or more parts thereof, over again, in the same or an altered format and on the same or altered terms and conditions.
12. Notwithstanding the above, PJIAE reserves the right to accept or reject any Proposal, or to cancel the Request for Proposal process, at any time prior to the award of the Concession Agreement. This being so, without thereby incurring any liability to the affected Applicant or Applicants or any obligation to inform the affected Applicant or Applicants of the grounds for PJIAE's action.

PART III - PROPOSED CONCESSION DETAILS

10. Basic Terms of Concession Agreement

Following are the basic terms of the Concession Agreement. These items should be considered in the proposal bid.

Term:	Until June 30, 2025
Premises:	See section DRAWINGS TERMINAL BUILDING
Rental Fee:	On average \$100 per square meter per month applies.
Minimum Annual Guarantee	Minimum Annual Guarantee and % of Sales to be as set out in the Applicant's Proposal.
Concession Percentage:	Percentage of gross sales to be as set out in the Applicant's Proposal.
Storage space	As of March 1, 2019; NAF66.20 or US\$36.78 per square meter (m ²) per month
Fixturing Period:	<p>Maximum 60 days immediately following the award of the Concession unless otherwise mutually agreed between PJIAE and Applicant.</p> <p>Applicant is not responsible for the interim service charge. The Concession Percentage will not apply during the fixturing period unless trading can begin in a temporary unit following mutual agreement between PJIAE and Applicant.</p>
Commencement Date Concession:	As of the last date of signatures by the parties of the Concession Agreement (see NOTE below).
Service Charge:	<p>Electricity charge based on actual use;</p> <p>General security, Removal garbage, Airco: charges based on square meter price;</p> <p>NAF12.60 or US\$7.00 per square meter (m²) per month; subject to change based on actual costs.</p>

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Port Fees:	Per single Telephone Outlet/Port NAF26.25 or US\$14.58 per month; Per single Data Outlet/Port NAF26.25 or US\$14.58 per month; Per Credit Card Outlet/Port NAF26.25 or US\$14.58 per month.
Interim Service Charges (During Fixturing Period)	Electricity, water, garbage removal from designated location, restroom provision; based on average actual cost/m2 NAF12.60 US\$7.00 /m ² /month
Security deposit:	Equal to 2 months MAG. This amount equals 1/6 th (one sixth) of the forecast concession fee over the first 12 (twelve) months of concession operation.
Operating Name:	As proposed by Applicant
Point of Sale System (POS)	Mandatory purchase and use of a POS system which connects with the PJIAE Management Information System (MIS). To be approved by PJIAE.

More detailed terms and conditions are set out in the Draft Standard Concession Agreement which will be provided to each successful applicant. The successful Applicant will be required to execute and deliver the Standard Concession Agreement within fifteen (15) days of receiving it from PJIAE.

1. Concession Minimum Annual Guarantee (MAG) or Percentage Fee

The successful Applicant's Proposal will set out the Applicant's Financial Offer (see Schedule 8 of the Form of Proposal) as follows:

The Minimum Annual Guarantee (MAG) or Concession Percentage Fee whichever is applicable, and Service Charges are due and payable from the Commencement Date of the Concession Agreement.

The fees payable by the Applicant to PJIAE under the Concession Agreement will be equal to **THE AGGREGATE/SUM OF:**

Concession MAG, or Percentage whichever is higher (to be quoted by the Applicant – see

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Schedule 8 of the Form of Proposal) of Gross Sales from the Drop

AND

Service Charges - see Schedule 8 of the Form of Proposal.

2. All concessionaires at the Airport are to operate under a "Fair Pricing" regime. PJIAE has a policy requiring airport shops, restaurants, entertainment and services to offer products at prices comparable to what they charge at similar outlets in St. Maarten.
3. Examinations by Applicant.
Each Applicant shall, before submitting a Proposal, examine the attached drawings of the Premises and satisfy itself as to the location of the Premises within the terminal building, the means of access to the Premises, all other conditions, all laws, safety and security requirements, all services required including without limitation electricity, water supply, and telephone, and all other circumstances which may affect its Proposal for the development and operation of the Concession. Submission of the Proposal will constitute an acknowledgement by the Applicant that it has complied with this Section.
4. Space
This Request for Proposal invites the submission of proposals from interested parties for a concession. The Airport Operator guarantees locations for a minimum space in order to operate the concession. Locations are indicated on the drawings/pictures. These locations are subject to change pending any approvals required by PJIA.
5. Remote storage
Storage space is available to concessionaires in the basement level of the terminal building (to be requested by the Applicant in Schedule 7). However, PJIAE is not obligated to provide requested storage space to all concessionaires, while delivery of storage space is subject to availability.
The storage rent is NAF66.20 or US\$36.78 per square meter per month.

11. Drawings Terminal Building

The images below represent the estimated locations where the concession is expected to operate. **Please Note:**

- The drawings are sketches and not detailed design drawings. PJIA's architect reserves the rights to assign final locations for the concession space.
- Drawings are illustrative and conceptual of nature. No exact measurements can be taken from these drawings.

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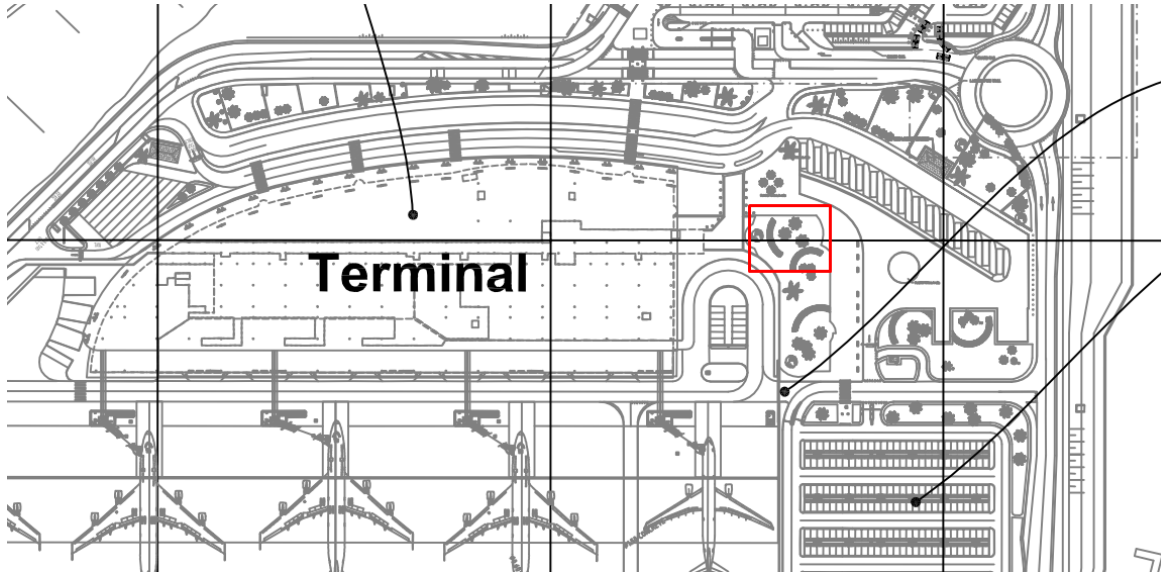


Figure 1 Location of Food truck area indicated in the red square



Figure 2 Photographic image of current food truck area