

**PORT AUTHORITY OF NEW YORK AND NEW JERSEY
AVIATION DEPARTMENT**

**CONCESSIONAIRE STREET PRICING STANDARDS AND
PROCEDURES MANUAL**

Version 4.0

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Revision History

Version	Description	Date
1.0	Concession Stakeholder Preview Version	3/19/2022
2.0	2022 Initial Manual	4/11/2022
3.0	2024 Manual Update	10/25/2024
4.0	2025 Manual Update	12/31/2024

1. OVERVIEW

The Port Authority of New York and New Jersey (PANYNJ) Airports, like many US large hub airports, has a long-standing policy of requiring Concessionaires to sell products at "Street Pricing." This policy was updated by the Port Authority of New York and New Jersey Board of Commissioners on June 25, 2020 and December 12, 2024. This policy, as updated, caps concession prices at Street Prices plus a maximum of 15 percent and requires Concessionaires to offer some lower-priced food and beverage options to provide value-for-money. Compliance with the Value for Money (VFM) Guidance is a precondition for permission to charge prices in excess of Street Prices. Refer to the Street Pricing Policy Statement for further guidelines and clarifications.

In addition, PANYNJ implemented a strategy and action plan designed to fulfill the VFM Guidance objectives called the "We Value You Program." This program includes a five-point value for money framework supported by planning and reporting requirements. The We Value You Program may evolve and include new elements as communicated by the PANYNJ. The five-point framework provides a comprehensive definition of "value" as it applies to various customer demographics, their specific needs, expectations, and perceptions of airport concessions programs. This framework offers a unified approach to delivering a world-class dining and shopping experience at all PANYNJ airports by focusing on the propositions of price, quality, convenience, service, and marketing and communication.

Street Pricing Policy Statement

As reflected in terminal leases, concession agreements, and concession management agreements:

Each concession agreement shall provide that Concessionaires shall not charge prices to its customers in excess of "**Street Prices**", defined as follows:

- a) If the Concession conducts a similar business in off-airport location(s) in the Greater New York City-Northern New Jersey Metropolitan Area (the "Metro Area"), Street Prices shall mean the price regularly charged by the Concession Sublessee for the same or similar item in the Metro Area.
- b) If the Concession does not conduct a similar business in off-airport location(s) in the Metro Area, Street Prices shall mean the average price regularly charged in the Metro Area by similar retailers for the same or similar item.
- c) If neither the Concession nor other similar retailers sell a particular item in the Metro Area, Street Prices shall mean the price regularly charged by the Concession or similar retailers for the same or similar item in any other geographic area.

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If a Concession is in the business of selling duty-free goods, Street Prices shall mean the price regularly charged by the Concession Sublessee or other similar concession operator for the same or similar duty-free item at other major airports serving large urban areas in the United States of America, not including the PANYNJ airports.

For purposes of establishing the Street Price of an item, any difference in the size or quality of a product or service shall constitute a basis for a price differential.

On June 25, 2020, the PANYNJ Board of Commissioners established a "Street Pricing Policy" for PANYNJ airports, which replaces the Agency's Street Pricing Policy previously found in airport leases. Under the Street Pricing policy, goods sold by Airport Concessionaires could be sold at maximum prices equal to prices charged locally, off-Airport *plus 15 percent*. Concurrently with modifying the Street Pricing Policy, the PANYNJ required Concessionaires to provide VFM food and beverage offerings for Airport customers. The "We Value You" program was established as the PANYNJ's airport network-wide strategy and action plan designed to fulfill the VFM guidance objectives which may be further defined in Airport Rules & Regulations, General Manager's Bulletins, and the Customer Service Standards Manual. On December 12, 2024, the Board adjusted, effective January 1, 2025, the incremental amount above the off-Airport price to a maximum of 15 percent. The Board also determined that an additional surcharge not to exceed 3% of a customer's pre-tax bill for Employee Benefits and Retention would not constitute a violation of the street pricing policy. The Board determined to document the street pricing policy through Streeting Pricing Regulations to provide a comprehensive and consistent street pricing policy.

This Concessionaire Pricing Standards and Procedures Manual provides guidance on the application of the Street Pricing Policy, with the goal of facilitating an effective concessions program, maintaining program integrity, and enhancing customer satisfaction. These Standards and Procedures apply to Concessionaires, Terminal Operators and Concession Management Companies at Newark Liberty International Airport (EWR), John F. Kennedy International Airport (JFK), La Guardia Airport (LGA), and New York Stewart International Airport (SWF).

The Aviation Department through its Commercial Unit in conjunction with the Airports Service Delivery Organization, Terminal Operators and appointed Concessions Management Companies are responsible for monitoring and managing compliance with the street pricing program and for enforcement of these policies and procedures.

2. DEFINITIONS

- a. **"Airport Concession Location"** shall mean each individual Concession Location within a terminal.
- b. **"Annual Confirmation Statement"** shall mean an official letter accompanying the annual Full Market Basket submittal, prepared for each Airport Concession Location. The letter is to acknowledge and certify to the PANYNJ that the approved Concession Comparison Justification Form remains unchanged. This document shall list comparable concepts, locations, price rating, and category designation on a date specified by the PANYNJ, including acknowledgement that the current Comparable Concession Locations remain open and operational.
- c. **"Branded Concept"** shall mean national and/or local concepts where product prices are set by the brand with identically named stores, facilities, or franchisees outside of the airport that operate within the Metro Area.
- d. **"Close Match"** shall mean an item that is similar but requires an adjustment in price to reflect portion size, quality, brand, etc., as a method to establish pricing as a Comparable Product.
- e. **"Comparable Concession Location"** shall mean the off-airport Concession Location that Concessionaires justify being comparable to the Airport Concession Location in terms of concept, offerings, price rating, and category designation.
- f. **"Comparable Product"** shall mean products sold at Comparable Concession Locations similar to the Concessionaire's own products at the Airport Concession Location in terms of descriptions, quality, and size.
- g. **"Terminal Operator (TO)"** shall mean an entity that is responsible by agreement with the PANYNJ for physical control over the operation of a terminal.
- h. **"Concession Management Company (CMC)"** shall mean a company that contracted with the TO or the PANYNJ for the performance of concessions management responsibilities in the respective terminal. Please be aware that in certain situations, the CMC can also be the TO.
- i. **"Concessionaire"** shall mean a company that is engaged in the sale of food and beverages, consumer goods or services to the public in an airport through a contractual arrangement with the Terminal Operator or the PANYNJ.
- j. **"Full Market Basket (FMB) Analysis"** shall mean a list of a Concessionaire's entire goods and/or services for sale at the Airport Concession Location along with the description of and pricing for corresponding Comparable Product for each item across all Comparable Concession Locations as designated in the Concession Comparison Justification Form.
- k. **"Concession Comparison Justification Form (CCJF)"** shall mean the form that lists the proposed Comparable Concession Locations to use as points of

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comparison to calculate Street Prices for the Airport Concession Location in the FMB Analysis.

- i. "Metro Area"** shall mean the Greater New York City-Northern New Jersey Metropolitan Area.
- m. "Non-Branded Concession Location"** shall mean Airport Concession Locations with no identically named stores, facilities, or franchisees outside of an airport.
- n. "Price Rating"** shall mean the dollar sign rating assigned by Yelp or Google if Yelp dollar sign rating is unavailable - indicated by a specific number of "\$" for the price rating ranging from \$ (least expensive) to \$\$\$\$ (most expensive). For purposes of Targeted Price Ratings, the dollar signs (\$) shall indicate price per person as: \$= under \$10. \$\$=11-30. \$\$\$=31-60. \$\$\$\$ = 60+.
- o. "Streamlined Pricing"** as defined in Section 5.4.
- p. "Street Price"** shall mean the average price regularly charged at Comparable Concession Locations for Comparable Products in the Metro Area or such other areas as permitted by these Street Pricing Standards and Procedures.
- q. "Top 40 Items Report"** - shall mean forty (40) top selling items by number of items sold within the past three (3) months is to be submitted to the TO/CMC for inspections purposes. The Report is to be generated by POS, prepared for each FMB Analysis tab, i.e., if the FMB analysis is broken down by dayparts, each daypart should have its own 40 Items Report. FMB for alcoholic beverages shall have its own Top 40 Items Report.

3. ROLES AND RESPONSIBILITIES FOR STREET PRICING

3.1. Category Designation

The PANYNJ Concessions Unit in collaboration with Customer Experience Service Delivery Organization is responsible for managing compliance with the Street Price Policy and monitoring the oversight and management of the CMC/TO over the Concessionaires. The PANYNJ Concessions Unit is also responsible for reviewing and final approval of CCJF, reviewing of annual FMB Analyses and Price Revision Forms, and executing any corrective actions as needed.

3.2. Concession Operators

Concessionaires are responsible for establishing a pricing structure for their products and services in a manner that is compliant with the PANYNJ's Street Price Policy as applicable. Under no circumstances shall additional surcharges be imposed on customers without obtaining prior authorization from PANYNJ. This includes identifying Comparable Concession Locations for each Airport Concession Location and seeking the CMC/TO approval and PANYNJ final approval. Concessionaires shall prepare initial and comprehensive annual updates of their FMB Analyses which

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demonstrate that all goods and services offered at their Airport Concession Locations comply with the Street Price Policy by comparing the proposed pricing for each of its products against Comparable Products at Comparable Concession Locations. The Concessionaire may update the FMB Analysis twice a year via submission of a new FMB Form indicating which item prices have changed. This update should be submitted to TO/CMC for review and approval. The TO/CMC then submits the updated FMB to PANYNJ for final approval. Please note that after the second submission no further changes will be permitted until the next annual FMB Analysis.

3.3. Terminal Operators/Lessees

Each TO is required to establish and document internal processes and procedures to ensure compliance with the Street Pricing Policy by the Concessionaires operating within its respective terminal. TOs are responsible for soliciting, reviewing, and endorsing CCJF and FMB. This rigorous process is essential to ensure strict adherence to comprehensive Street Pricing regulations delineated with the PANYNJ Street Pricing manual. In addition, managing its Concessionaires' compliance with the PANYNJ's Street Price Policy, either directly or through its CMC or Developer.

The TO or its CMC shall review all submissions prepared by the Concessionaires and undertake such diligence as necessary to verify its accuracy, completeness, and conformance with the Policy. The forms certified by TOs and CMCs shall be submitted to PANYNJ for review and final approval. The TO shall directly or through its CMC monitor and establish internal processes to ensure the Concessionaires' ongoing compliance in maintaining pricing consistent with the approved pricing and signage requirements. The TO shall notify the PANYNJ of any instances of customer complaints and any non-compliance and shall delineate the actions taken to resolve the matter including any corrective action required.

3.4. Concession Management Companies/Developers

Concession Management Company (CMC) and Developers are responsible for soliciting, reviewing, and endorsing CCJF and FMB on behalf of TO. In addition, managing Concessionaires' compliance with the PANYNJ Street Price Policy, for its respective terminal and reporting to its Terminal Operator or the PANYNJ as applicable. CMCs shall handle any instances of customer complaints and any noncompliance and shall delineate the actions taken to resolve the matter including any corrective action required within 48 hours.

4. CONCESSION COMPARISON

To develop price menus for all products sold at each Airport Concession Location, Concessionaires must identify Comparable Concession Locations to demonstrate that

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their prices at that Airport Concession Location fall within the Street Pricing Policy. For each Airport Concession Location, the Concessionaire identifies Comparable Concession Locations by category designation, concept, offering, cuisine, and price rating, which are further defined below. Concessionaires **must** obtain approval from PANYNJ of the proposed Comparable Concession Locations for each Airport Concession Location using the guidance below before proceeding with product comparisons and price calculations for that location.

4.1 Category Designation

Each Comparable Concessions must have the same category designation as the Concessionaire based on the categories below:

4.1.1. *Branded Concepts*

Airport Concession Locations that are Branded Concepts, (such as Dunkin® and Smashburger®) can only be compared to other location(s) of the same Branded Concept in the off-airport Metro Area or such other areas as permitted by these Standards and Procedure. Branded Concepts must maintain pricing consistent with that of its off-airport branded street locations and the brand's website.

If there are no Branded Concepts in the off-airport Metro Area, the Concessionaire must note this within the Concession Comparison Justification Form and provide three Branded Concepts outside the Metro Area.

If the Airport Concession Location, which is a Branded Concept, offers non-branded products or services which are in addition to those provided at Branded Concepts outside of the airport, the Concessionaire will need to follow the process of identifying Branded Concepts which are Comparable Concession Locations for those Non-Branded Products and services.

4.1.2. *Duty-Free Stores*

Duty-free Concessionaires must use comparable Concessions at other major U.S. airport locations other than PANYNJ airports as the Comparable Concession Locations. Concessionaires shall provide a copy of the respective airports' street pricing policy with its CCJF.

4.1.3. *Services*

Concessionaires that provide a service (e.g., Spas, Foreign Currency Exchange etc.) must submit a Corporate Letter and a Point-of-Sale (POS) Listing in lieu of the annual CCJF and FMB.

4.1.4. Non-Branded Concepts

Concessionaires may propose Comparable Concession Locations for Airport Concession Locations that are proprietary (non-branded) and branded. Note that gated venues (locations that are protected from competition via entrance fee or other means) cannot be used as Comparable Concession Locations. Examples of gated venues include but are not limited to sports/entertainment venues (e.g., Citi Field and Prudential Center,), convention centers (e.g., Javits), movie theatres, hotel grab & go/gift shops theme parks and Amusement Parks (e.g., Coney Island), transportation hubs (e.g., Penn Station and Staten Island Ferry), and other Airports.

4.2. Concepts

Each Comparable Concessions must follow the same Concept as the Airport Concession Location, based on the categories below:

4.2.1. Travel Essentials/Hybrid Retail

These Concession Locations (also known as News and Gifts or Convenience Stores) offer a selection of reading material (e.g., newspapers, magazines, books), limited electronics (such as ear buds, adapters), non-alcoholic bottled and canned beverages, pre-packaged snacks, PPE (e.g., masks, earplugs), health and beauty aids, over-the-counter medication (e.g., Advil®, Nyquil®) and any other products commonly used for travel. Depending on the location, the store may also be allowed to sell prepackaged food (such as sandwiches and salads) as well as local souvenirs and memorabilia. Travel Essential locations will provide Corporate Letter encompassing all aspects of their offerings, including books, magazines, electronics, souvenirs, and non-edible food items. However, for all bottled beverages, grab-and-go items, prepackaged food, and snacks, the submission of a comprehensive CCJF is still mandatory. The CCJF must be followed by a complete FMB form analysis. If due to the large assortment of goods sold it is difficult to identify comps needed, a request can be made to leverage MSRP for packaged goods (not pre-packaged fresh food). Please note that the approval to use MSRP is at the discretion of PANYNJ.

4.2.2. Restaurants/Food and Beverage

These Concession Locations that offer food and beverage are divided into the categories as described below. Restaurants must be of the same cuisine type as the Concession Location. For example, a burger restaurant may not be compared to a pizza restaurant. Concessionaires that sell food and alcoholic beverages may only propose Comparable Concessions that also sell food and alcoholic beverages unless approved by the PANYNJ through the submission of the CCJF. Airport Concession

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Locations and Comparable Concessions must have Price Ratings consistent with those described for the respective Concept.

- a. **Grab & Go (\$):** this restaurant type sells pre-packaged fresh food and beverage with no on-site cooking or custom orders with no dine-in/seating within the establishment itself or food courts. These restaurants have low price points at \$. Example Concession types may include food carts, kiosks etc.
- b. **Quick Service (\$):** this restaurant type offers a limited menu of quickly prepared items. This restaurant type may offer dine-in or food court seating. Customers typically order and pick up their food at a counter, and there is no form of table service. Remote and/or self-ordering may be offered. These restaurants have low Price Ratings at \$. Example Concessions may include Wendy's, Burger King, Chick-fil-A, etc.
- c. **Fast Casual (\$-\$):** this restaurant type offers higher quality foods than fast food restaurant types. This restaurant type offers dine-in seating but not full table service. However, unlike Quick Service-type restaurants, Fast Casual restaurants may offer to bring customers' orders to their tables and follow a cook-to-order process with some customizations. These restaurants have low-medium Price Ratings at \$ - \$\$\$. Example Concessions may include Shake Shack®, Smashburger®, etc.
- d. **Casual Dining (\$\$):** this full-service restaurant type offers simple plated foods and beverages. This restaurant type is usually associated with diners and more affordable chain restaurants. Alcoholic beverages, including mixed cocktails, beer, and wine are usually offered. These restaurants have medium Price Ratings at \$\$\$. Example Concessions may include Applebee's Grill and Bar®, TGI Fridays®, etc.
- e. **Premium Casual Dining (\$-\$-\$-\$):** this full-service restaurant type offers an upscale casual dining experience with table service and quality, plated foods prepared from fresh ingredients. Alcoholic beverages, including mixed cocktails, beer, and wine are usually offered. This restaurant type is usually associated with mid-tier, non-chain restaurants. These restaurants have medium-high Price Ratings at \$-\$-\$-\$\$. Example Concessions may include Friedman's®, The Wren®, etc. For Airport Concession Locations to qualify for higher price ratings, the concept must include additional characteristics commensurate with those found in fine dining locations such as seasonal menu items, curation by affiliated culinary professionals, and premium cooking methodologies.
- f. **Fine Dining (\$-\$-\$):** this full-service restaurant type offers specific dedicated meal courses. The Atmosphere includes high quality décor, furnishings, china, and table linens. Food offerings are of exceptional high quality, sophisticated, and unique. A full bar, including craft cocktails and a meaningful wine list is provided. These restaurants have high Price Ratings

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- at \$\$\$ or above. No Comparable Concession Locations with a \$\$\$\$ rating will be accepted.
- g. **Casual Coffee (\$)**: this restaurant type offers fast serve coffee and tea beverages, not individually brewed. This restaurant type may offer dine in or food court seating but does not offer any form of table service. Remote and/or self-ordering may be offered. These restaurants have low Price Ratings at \$, such as Dunkin®.
 - h. **Specialty Coffee/Café (\$\$)**: this restaurant type offers a variety of premium coffee and tea beverages, including brewed-to-order espresso drinks. A limited menu of pastries pre-made/freshly prepared sandwiches, salads, snacks, and breakfast foods should be offered. Limited seating may be provided, depending on the size of the location. These restaurants have a medium Price Rating at \$\$, such as Starbucks®, La Colombe®, Gregory's®
 - i. **Specialty Food (\$-\$\$)**: This restaurant type will be used at PANYNJ discretion for location with a limited menu that only offers specialized edible products.
 - j. **Bar (\$\$)**: this restaurant type offers full or specialty bar service with a limited menu of snacks and/or entrees. Customers may be served by a bartender directly at the bar or by wait staff at cocktail tables. These restaurants have medium Price Ratings at \$\$.
 - k. **Blurred Boundaries Food & Beverage (\$-\$\$)**: these Airport Concession Locations are without a confined location offer services and products for delivery within the terminal. An example of Blurred Boundary Food & Beverage is holdroom dining or bars served by ghost kitchens or nearby Airport Concession Locations but without the table service and dining experience offered at the Airport Concession Location. Food and beverage offerings through Blurred Boundary Locations must have low-medium Price Ratings at \$ - \$\$.

4.2.3. Specialty Retail

These Concession Locations offer a specific selection of products for a target market and/or use, often under a particular brand or designer label. For example, an electronics store, sim cards, a bookstore, men's and women's casual apparel store, or a candy shop are considered specialty retail.

4.2.4. Services

These Concession Locations offer services to customer, such as banking, ATMs, resting locations, workspace areas, arcades, shoeshines, hair styling or spa services (such as manicure, pedicure, facial). Activity-based locations, such as game rooms and arcades, are also considered to be services. Please note any food sold at these establishments classified as "services" should follow protocols needed to submit food.

4.2.5. Automated Retail

These Concession Locations offer the sale of food, beverages, or retail items from a freestanding automated machine that typically accepts credit cards and cash as forms of payment. Items sold may include beverages, water, confectionery, snacks, souvenirs, fashion, health and beauty aids, and small electronic gadgets, among others.

4.3. Comparable Locations

4.3.1. Non-Duty Free

Comparable Concessions must be located within the Metro Area, unless otherwise meeting the criteria specified in the Street Pricing Policy Statement. If Comparable Concessions are located only outside the Metro Area, the Concessionaire may propose Comparable Concessions in another geographic area.

4.3.2. Duty-Free Stores

Duty-free Concessionaires must use comparable Concessions at other major U.S. urban international airport locations other than PANYNJ airports as the Comparable Concession Locations. Concessionaires shall provide a copy of the respective airports' street pricing policy with its CCJF. In completing its FMB, the Concessionaire will need to demonstrate how its pricing and the pricing of the Comparable Products remain within the Street Pricing framework.

4.4. Price Rating for Food & Beverage Concepts

As part of the development of Comprehensive Concession Plans for new concession developments, the PANYNJ and the TO shall agree on the variety of Food & Beverage Concepts that provide price rating options for passengers in the terminal. Prior to the execution of any future Concession Sublease the TO shall obtain the approval from the PANYNJ of the intended Price Rating for the covered Airport Concession Locations and submit a copy of the proposed menu.

For existing concession locations, the Concessionaire shall propose **in its Initial CCJF**, for TO/CMC approval and PANYNJ approval, its proposed Price Rating for the Airport Concession Location consistent with the Concept for such location ("Target Price Rating"). In that CCJF, the Concessionaire shall fully describe and provide supporting documentation to include a preliminary menu concept, to demonstrate how the Airport Concession Location through its proposed product offerings, preparation methods, service levels, and finishes reflect its proposed Concept level and proposed Price Rating.

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Each Comparable Concession Location must have a Yelp price rating that is consistent with or lower than the approved Target Price Rating for the Airport Concession Location. If the proposed Comparable Concession Location does not have a Yelp price rating for the Concession Location, Google price rating can be utilized. If the proposed Comparable Concession Location does not have a Yelp or Google price rating for the Concession Location, the Concessionaire must provide/attach additional information about the Comparable Concession Location, such as a menu to justify the Comparable Concession Location within the Concession Comparison Justification Form, and the TO/CMC will assess for overall reasonableness of comparability to the Concessionaire's approved store concept for the Airport Concession Location.

4.5. Comparable Concession Locations by Daypart and Categories

Recognizing that a Food & Beverage Airport Concession Location may change its cuisine by daypart to adapt to an airport operating environment, a Concessionaire may submit multiple CCJFs and propose distinct Comparable Concession Locations by daypart for approval by the TO and approval by the PANYNJ with respect to an individual Airport Concession Location.

4.6. Quantity of Comparable Concession Locations

The Concessionaire shall submit three (3) to six (6) Comparable Concession Locations as part of its CCJF, unless otherwise provided in these Standards and Procedures. The Concessionaire shall submit more than three (3) Comparable Concession Locations only to the extent necessary to fully cover its product offering. If fewer than three (3) Comparable Concession Locations can be identified for a product or product category, the PANYNJ, in its discretion, may identify additional Comparable Concession Locations if available or require the Concessionaire to use the prices of the lower priced facilities multiple times when computing the average of its pricing surveys to make an average of three prices.

4.7. No Comparable Concession Location

If products that are offered for sale in an Airport Concession Location are neither sold by a business of the same trade name nor available from a Comparable Concession Location, and do not fall within any category described in these instructions, the final price shall be based on reasonable comparisons approved by the TO and the PANYNJ. If the Concessionaire informs the TO and the PANYNJ that it is unable to submit a Comparable Concession Location or pricing that meet the pricing requirements, the PANYNJ shall have the right to select the Comparable Concession Location and/or establish the price to be charged for goods based on the criteria outlined in this Standards and Procedures Manual.

4.8. Concession Comparison Justification Form

The Concessionaire must complete and submit a CCJF to include a preliminary menu concept for each Airport Concession Location which proposes Comparable Concession Locations based on concept, offerings, price rating, and category designation. The CCJF will also include clear rationale as to why the Comparable Concessions were selected and any support for unique circumstances that prevented the Concessionaire from following the standard as specified. The Concessionaires will provide the CCJF for each Airport Concession Location to the TO/CMC for review and approval. After approval by the TO/CMC, the TO/CMC will send to PANYNJ team for review and approval through the established portal currently being used by PANYNJ. If the Concessionaire requires a change to the approved Concession Comparison Locations due a menu change or the closing of a prior comparison location, the Concessionaire may update the CCJF noting the new comparison location to be used, with a justification that explains which comparison location from the prior submission is being replaced. Once completed, this new CCJF should be submitted to the TO/CMC for approval, who will then submit it to the PANYNJ for final approval.

4.9. Annual Confirmation Statement

The Concessionaire will complete an annual confirmation for each Airport Concession Location regarding the comparable concept, location, price rating, and category designation on a date specified by the PANYNJ, including acknowledgement that the current Comparable Concession Locations remain open and operational. Please note that annual confirmations are to only be submitted to the TO/CMC.

5. FULL MARKET BASKET PRICING

PANYNJ has instituted an FMB pricing evaluation which requires Concessionaires to report pricing for all food and beverage items sold at each Airport Concession Location at PANYNJ airports. Concessionaires may request approval to conduct Streamlined Pricing and uniformly evaluate and price certain products in all Airport Concession Locations it operates at the terminal. Concessionaires will calculate FMB prices based on the following methodology:

5.1. Comparable Products

All FMB Analysis must demonstrate that the product pricing reflects Comparable Products. Concessionaires must ensure that they compare products that have similar descriptions, quality, and size.

The criteria for determining Comparable Products include the following:

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- i. **Individual Components:** The basic elements of a product that must be essentially equivalent to the comparable product (i.e., a cheeseburger must be compared to a similar cheeseburger, not a cheeseburger with bacon, mushroom or other added components)
- ii. **Portion Size or Size:** The amount of an actual product, by quantity, weight or volume
- iii. **Preparation:** The means by which a product is created (i.e., potato wedges would compare to French fries because they are both deep-fried, salted and served as a side order)
- iv. **Quality:** The standard of a product as measured against other similar productions (i.e., a set of earbuds may be inferior to another brand because of shorter battery life, wired vs. wireless technology or general materiality differences)
- v. **Brand:** A type of product manufactured by a particular company under a particular name (i.e., a Belkin personal device charging cord may be comparable to another type of Belkin personal device charging cord).

Except as allowed through Streamlined Pricing and Corporate Branded Pricing, Concessionaires will be required to list every unique product sold on the FMB Analysis and provide descriptive information regarding both the product and the proposed Comparable Product. If the food item includes an add-on, such as fries or potato chips, those items must also be specified in the description field in the FMB Analysis form.

5.2. Adjustments to Close Matches for Comparable Products

If a Concessionaire is unable to find an identical product at the approved comparison locations, a close match (aka a similar product) can be used, and an equivalent price shall be calculated for the pricing comparison. Price adjustments should be made to account for the differences in portion size, concept ambiance, preparation, quality, individual components.

Please note that alcoholic beverages (including beer, wine, and spirits), non-alcoholic beverages (such as fountain drinks, bottled beverages, and juices), as well as confectioneries and nuts (e.g., pecans, walnuts, almonds) are excluded from close match and therefore these items not eligible for pricing based on a per-ounce metric.

To make an adjustment for portion size, the operator shall:

1. Determine the comparable location unit price, that is price per ounce.
2. Determine the comparable location unit price, divide price by the number of units i.e., ounces.

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3. Multiply the comparable location unit price by the number of units in the product offered at the airport location.

5.3. Branded Products

If the brand permits flexible pricing, the Concessionaire must propose Comparable Concession Locations that reflect the same brand as the Branded Concept but may reflect its pricing in its FMB Analysis in accordance with the Street Pricing Policy for the Comparable Products.

If a Corporately Branded Concept changes corporate product prices throughout the year, the Concessionaire will be providing a copy of the notice of the price change to the TO/CMC and submit a new FMB form to TO/CMC for approval and to PANYNJ for final approval.

If a Corporately Branded Concept modifies its pricing scheme during the term of its Agreement and no longer uses brand-set pricing for all brand and/or franchise stores, the Concessionaire will be required to immediately notify the TO/CMC and the PANYNJ of the change. The Concessionaire will continue to charge the then-approved prices for products until it has completed an updated FMB Analysis for all products in the Airport Concession Location and it has been approved by TO/CMC.

Items offered in Branded Concepts that are not corporately priced will be priced at no more than the agreed upon percentage of the average price of identical products sold at Branded Comparable Concessions.

If there are no Branded Concepts in the off-airport Metro Area, the Concessionaire must note this within CCJF and provide three Branded Concepts within the Metro Area.

5.4. Streamlined Pricing

Concessionaires that operate multiple restaurants within one terminal, may submit one CCJF for all alcoholic beverages provided that at least 3 Comparable Concessions at the \$\$ Pricing Rating are provided. If this submittal is approved by the TO/CMC, only one FMB Analysis Form will need to be provided. However, for each product offering the applicable Pricing Rating must be identified. The FMB prices will apply at all Airport Concession Locations operated by this Concessionaire with the commensurate Price Rating.

Concessionaires may choose to identify a group of similar products to be priced uniformly. The items may be organized in groups based on size (such as small, regular, large or extra-large sizes) and type (candy, juice or soda). The categories of

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products that are eligible for streamlined pricing include alcohol, bottled beverages, candies, chips, fountain soft drinks, gums, snacks, grab & go, and souvenirs.

Additional Examples: The Concessionaire may propose a price for a particular size candy bar regardless of brand. In this example, a regular size Snickers or 3 Musketeers candy bar would have the same price in each of Concessionaire's Airport Concession Locations. Likewise, the Concessionaire may propose a streamlined price for small bags (3½oz) or large bags (7oz) of chips. In this example, all chips in the small or large size would have the same price in each of Concessionaire's Airport Concession Locations. Souvenir shot glasses may be streamlined priced using good, better, or best pricing based on size or quality (glass or plastic) of the shot glass. If alcohol were being streamline priced, for example, the Concessionaire may propose category prices by the size of the beverage and also distinguish between tier 1 (Bud Light or Coors Light), tier 2 (Stella or Heineken), and tier 3 (Dogfish Head or Sierra Nevada).

For all other products to be sold in the Airport Concession Location, not identified for streamlined pricing, separate CCJF and FMB Analysis Forms need to be submitted.

5.5. Exceptions to the FMB

5.5.1. Manufacturer's Suggest Retail Price (MSRP) or Pre-Priced Products

Prices for newspapers, books, and periodicals that have a Manufacturer's/publisher's suggested retail price in U.S. dollars printed on the outside of the item do not need to be verified through Comparable Concessions. In these instances, the publisher's suggested retail price, or a lower price, is the maximum price that can be charged for that product at the Airport Concession Location. Concessionaires may include additional details in its FMB for MSRP and Pre-Priced Projects, and Concessionaires shall not be required to itemize or provide Comparable Pricing for such Products. This principle applies to the following:

- Newspapers & magazines
- New hardcover and paperback books that have a publisher's suggested retail price listed on the book or jacket; and
- items such as keychains and other souvenirs that have a pre-printed manufacturer's suggested retail price on.

5.5.2. Corporately Branded Products

If the brand dictates corporate pricing, the Concessionaire will present only the prices dictated by the brand, and the Concessionaire will not be allowed to increase prices

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by the agreed upon percentage on corporately priced items. For Branded Concepts which offer the identical products and services and where the selling price is the same as the off-airport branded street locations and the brand's website, the Concessionaire can provide a Corporate Letter on Brand corporate letterhead in lieu of the CCJF and a Point-of-Sale report in lieu of an annual FMB analysis for retail items only. A merchandise price lists from Point of Sale (POS) with all items offered at the Airport Concession Location for sale at brand pricing and also confirms all products and services are required to priced consistently across all locations. The Concessionaire must provide to the TO/CMC and the PANYNJ all updates on corporate brand pricing, and the Concessionaire must adjust its pricing to reflect the designated corporate pricing accordingly.

5.6. Pricing Calculation

In its FMB for each Airport Concession Location the Concessionaire shall delineate its proposed **pre-tax** pricing for each product and service and identify all Comparable Products offered at its approved Comparable Concession Locations. The Concessionaire shall make all necessary adjustments in pricing so that pricing for Comparable Products is reflective of the size, quality and characteristics of the product offering at the Airport Concession Location.

The Concessionaire must calculate the maximum price it may charge for each of its products and service based **on the average of three lowest prices** for Comparable Products at the approved Comparable Concession Locations. If fewer than three (3) Comparable Concession Locations have been approved by the TO/CMC and the PANYNJ the prices of the lower priced facilities should be listed multiple times to make an average of three prices. For Airport Concession Locations and products which are eligible for Street Pricing plus agreed upon percentage, the maximum price is calculated as the average price of the three lowest priced Comparable Products plus the agree upon percentage. If the Concessionaire does not comply with applicable VFM policy requirements, only Street Pricing average will be allowed.

6. SIGNAGE AND DISPLAY OF PRICING

Concessionaire will ensure signage posted in each sales area (including any temporary sales space) in form and substance is satisfactory to the PANYNJ in notifying the public that the concession subscribes to a Street Pricing Policy. Such notice(s) shall be clearly visible and unobstructed. All signage must be legible and professional in compliance with PANYNJ signage and wayfinding standards. Handwritten paper signs are unacceptable.

Concessionaire must ensure all items for sale have prices visible either on each item or digital/static menu boards or display. All displayed prices must be consistent with

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the approved proposed prices and shall not exceed "Street Price" or "Street Price + agreed upon percentage".

Product Pricing signage should include:

- Brand, store or merchandise stickers tagged on each and all items
- Price tags attached to each and all items
- Pricing signage should be attached to products displays such as bins or racks (permissible, provided all items in the bin or rack are sold at the same and/or provided the price tag is placed directly under the spot designated for the product according to the merchandising plan).
- Menus and pricing signage font must be legible for customers.

7. SUBMISSIONS AND TIMELINES

7.1. Submissions Overview (List)

Concessionaires and TO/CMC are responsible for submitting the following forms for PANYNJ review, approval, and perusal:

Forms	Frequency of Submission	Notes
CCJF	Prior to the opening of a location.	Once the CCJF is approved, this form will be used for the life of the lease unless the concessionaire can provide evidence that the comparable location used is no longer in business or selling the intended products.
Proposed Menu	Prior to the opening of a location.	Proposed menu for locations should be provided with the Concession Comparison Justification Form.
FMB Analysis	Annually or when revising pricing (permitted twice a year)	Concessions must utilize the locked template form provided by PANYNJ. Otherwise, the submission will be immediately rejected for tampering.
POS Report List of 40 Top Selling Items	Quarterly	Please note that this submission should be made to the TO/CMC and not PANYNJ.
Annual Confirmation Statement.	Annually	Please note that this submission should be made to the TO/CMC and not PANYNJ.

7.2. Process for Submissions to Port Authority

All submissions to the PANYNJ from the TO and CMC shall be made using the Concessions Data Entry Portal (CDEP) designated by the PANYNJ.

7.3. Concession Comparison Justification and Change Forms

For new locations TO/CMC must submit an initial Concession Comparison Justification Form and proposed menu as part of the Comprehensive Concessions Plan (CCP) to help define proposed concepts. No later than 120 days prior to the projected opening date, a Comparison Justification Form shall be resubmitted for PANYNJ review and final approval. Please note once the CCJF is approved this CCJF will be used for the life lease unless the concessionaire can provide evidence that the comparable location used is no longer in business or selling the intended products.

Each CCJF shall include at least three, or a maximum of six Comparable Concessions for each Airport Concession Location. The form shall be prepared by the Concessionaire. TO/CMC shall review and approve the Form and submit to PANYNJ for review and final approval. Concessionaire should include verification documents regarding Comparable Concession Location such as Yelp and Google descriptions, photos of Comparable Concession Locations, and menus/item offers. The Concessionaire must provide justification comments for each Comparable Concession Location in the Concession Justification Form.

If the Concessionaire is using distinct Comparable Concession Locations by daypart or category, Concessionaire shall note the exception and shall submit separate Concession Comparison Justification Forms for each separate daypart or category.

TO/CMC will review the Concession Comparison Justification Form and independently assess the proposed Comparable Concession Location comparison concepts, locations, price ratings, and category designations to ensure that product comparisons will be applied appropriately. In instances where a new CCJF is being submitted, it is imperative to include an appended menu delineating the items to be retailed. This measure is essential to ensure the appropriateness of the comparable employed for the location.

If the review result is non-compliant, the TO/CMC will require the Concessionaire to resubmit revised Concession Comparison Justification Forms until it is compliant with these Standards and Procedures. If the review result is compliant, the TO/CMC will submit the Concession Comparison Justification Form and a certification of its approval to PANYNJ for review and final approval.

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If the Form submitted by TO/CMC is not approved by PANYNJ, only one revision is allowed. If the revised Form is rejected by the PANYNJ or its designated third party, the Comparison Locations will be identified by PANYNJ in its discretion.

The Concessionaire will request approval from the TO/CMC and final approval from PANYNJ for a change to a Comparable Concession Location as approved through the initial CCJF for its Airport Concession Location if any of the following occurs:

- Any of the initial Comparable Concession Locations goes out of business
- Any of the initial Comparable Concessions relocates outside of the Metro Area, or
- Products sold by any of the initial Comparable Concessions are no longer a Close Match to the products sold at the Airport Concession Location. This can occur even after the CCJF has been approved. If found that products sold are not equivalent to the proposed compatible location with quality, size, preparation, etc.

With its annual FMB Analysis update, the Concessionaire will submit company letterhead an Annual Confirmation Statement for each Airport Concession Location confirming that the approved Comparable Concession Locations continue to meet the required standards and remain in operation. The Annual Confirmation Statement will be verified by the TO/CMC and submitted to the PANYNJ.

Any changes to Comparable Concession Locations must be approved by the TO/CMC and pre-approved by the PANYNJ through the submission an updated Concession Comparison Justification Form. When submitting the new Concession Comparison Justification Form, detailed notes must be included in the "Justification" column. These notes should explain the reason for the change and specify the original approved location as well as the new requested location.

7.4. Annual FMB Analysis

After approval of CCJF, Concessionaires will submit the initial FMB Analysis for each Airport Concession Location to TO/CMC for review and approval at least 60 days prior to the projected opening date. After review and approval, TO/CMC will submit the FMB Analysis for review through the established portal currently being used by PANYNJ for review and compliance at least 45 days prior to the projected opening date.

Concessionaire must prepare and submit an annual updated FMB Analysis to TO/CMC for review and approval for each Airport Concession Location at a calendar date as specified by PANYNJ. All submissions are mandated to utilize the provided locked form exclusively offered by PANYNJ. Any submission received in an unlocked form

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shall be promptly rejected. TO/CMC must review the FMB Analysis and independently assess for completeness, appropriateness, accuracy. This includes, but is not limited to, ensuring the Concessionaires follow the requirements as stated in the Value for Money Policy accompanied by a comprehensive rationale elucidating why they are considered valuable to the customer. In addition, to ensuring Comparable Concession Locations match the approved CCJF, the Comparable Products match the criteria as similar products, the average pricing was calculated properly, and the pricing at the Airport Concession Location and for the Comparable Concession Locations are accurate, etc. As part of each annual updated FMB Analysis covering all products and services, the Concessionaire must also identify in the FMB Analysis of the top 40 items sold at the Airport Concession Location based on total sales volume of each product and provide a POS report for the top 40 items for the most recently available prior three months.

If the review determines any of the results is non-compliant, the TO/CMC will require the Concessionaire to resubmit the FMB Analysis until it is compliant. If the review result is compliant, the TO/CMC will submit the FMB Analysis to PANYNJ for its records and use in On-Site Spot Checks. The TO/CMC is ultimately responsible for ensuring forms are completed correctly and accurately before submitting to the PANYNJ.

7.5. Price Revision Request Process

Price revisions shall be initiated by submitting a comprehensive FMB, replacing previous iterations, to the TO/CMC for requisite approvals. This submission must take place at least 30 days prior to the effective date of the new pricing. The submission schedule will adhere to a semi-annual cadence, supplemented by an annual FMB submission. *Price revision forms will no longer be a requisite component.*

TO/CMC must review the FMB Form and independently assess for compliance with the standards set forth in this Manual. This includes confirming that the requested product revisions are allowable, confirming that the price changes are reasonable, and confirming the underlying circumstances for the price change. If the review result is non-compliant, the TO/CMC will require the Concessionaire to resubmit the revised FMB Form until it is compliant. If the review result is compliant, the TO/CMC will submit the revised FMB Form to PANYNJ for review and final approval.

8. REPORTING, COMPLIANCE, MONITORING, AND CORRECTIVE ACTIONS

8.1. Quarterly On-Site Spot Checks

On a quarterly basis (January 15, April 15, July 15, and October 15,) the Concessionaire must provide the top 40 items at each Airport Concession Location sold by total sales value and by sales transactions from the prior quarter, along with the Point-of-Sale report from those transactions to the TO/CMC. The Concessionaire must reasonably accommodate such request. The TO/CMC must conduct an on-site spot check of Concessionaire locations to confirm that pricing is consistent with the most recently approved FMB Analysis, all pricing labeling and signage requirements are being met, and Value for Money offerings are compliant with the approved Value for Money Plan. Followed by submitting the findings of the on-site spot checks to the PANYNJ on the 15th of the first month following the previous quarter (on April 15th TO/CMC to submit the on-site spot check results from Q1: January, February, and March) to ensure compliance.

The spot checks to be conducted by the TO/CMC include the top 40 items sold from the prior quarter and a random sample of 10 additional products from the most recently approved FMB Analysis which should include the 4 required Value for Money items. Failure to comply after three separate reviews or spot checks will result in the concessionaire forfeiting the right to charge street price plus the allowed percentage. If the Concessionaire has 50 products or fewer for sale at an Airport Concession Location, the TO/CMC must check 100% of the products sold at that location. The TO/CMC must diligently submit/upload their quarterly Spot Checks encompassing the Top 40 items, alongside 10 random items, to the PANYNJ on the 15th day of the first month after the conclusion of the quarter. For instance, Q1 spot checks are due by April 15th.

In addition, the PANYNJ will conduct quarterly price checks and may conduct additional price reviews at its discretion at any time, including high-traffic periods, such as holidays, local events, or spring break. The PANYNJ may initiate unannounced price spot checks if any of the following situations occur:

- Poor pricing compliance on the part of a Concessionaire. This situation will require intervention by the Terminal Operator and the PANYNJ to initiate a series of weekly price checks until the PANYNJ has sustained that the Concessionaire is fully pricing compliant.
- Sales per enplanement for any location fall by more than 20% in any month unless driven by an event or series of events that affect normal airport operations over the same period.

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- Sales per transaction or check averages vary by more than 20% in any month unless driven by an event or series of events that affect normal airport operations over the same period.
- Any other reason that in the Authority's sole discretion necessitates pricing spot checks.

8.2 Corrective Actions

The TO or its CMC shall provide written notice to the Concessionaire if the TO/CMC finds any areas of non-compliance during the periodic price reviews which may include spot-checks. The Concessionaire will correct any areas of non-compliance within forty-eight (48) hours of receipt of notification by the TO/CMC.

The Terminal Operator shall provide a Corrective Actions Form to the PANYNJ of all Street Pricing discrepancies noted and documentation of their resolution for the Concessionaires within its Terminal on the 15th of every month for the prior month's findings.

The Concessionaire, along with the TO/CMC, will receive written notice if the PANYNJ finds any areas of non-compliance during the periodic price reviews which may include spot-checks by PANYNJ staff or contractors. The Concessionaire will correct any areas of non-compliance within forty-eight (48) hours of receipt of notification by the PANYNJ and provide documentation to the TO/CMC and the PANYNJ of the resolution of the non-compliance.

In the event it is determined by the PANYNJ that Concessionaire is not in compliance with the Street Pricing Policy, the PANYNJ shall give the TO/CMC written notice thereof. Not in compliance may be in the form of failure to submit required forms and information for approval, failure to maintain required signage, and charging prices that are not in compliance with the Street Pricing Policy.

In the absence of approved pricing consistent with the Street Pricing Policy, the PANYNJ may designate similar retailers consistent with the Street Pricing Policy and calculate the average price for similar products or service consistent with the Street Pricing Policy and direct the maximum pricing that the Concessionaire charge for that product or service. The Concessionaire may submit a written justification for its price determination for the PANYNJ's consideration, however the Concessionaire shall adopt the maximum prices established by the PANYNJ until the evaluation of such justification is completed and alternative pricing is approved.

If the Concessionaire does not make appropriate adjustments to comply with the Street Pricing Policy within three (3) days of such notice of non-compliance, the products and services which are not in compliance may be required to be removed

from the Airport Concession Location, and liquidated damages may be imposed. In the event of repeated or continued failure to address non-compliance liquidated damages may be applied for the period for which noncompliance has existed and continues to exist and Concessionaire may be deemed to be in material breach of the Concession Lease or Consent to Sublease.

8.3 Document Retention

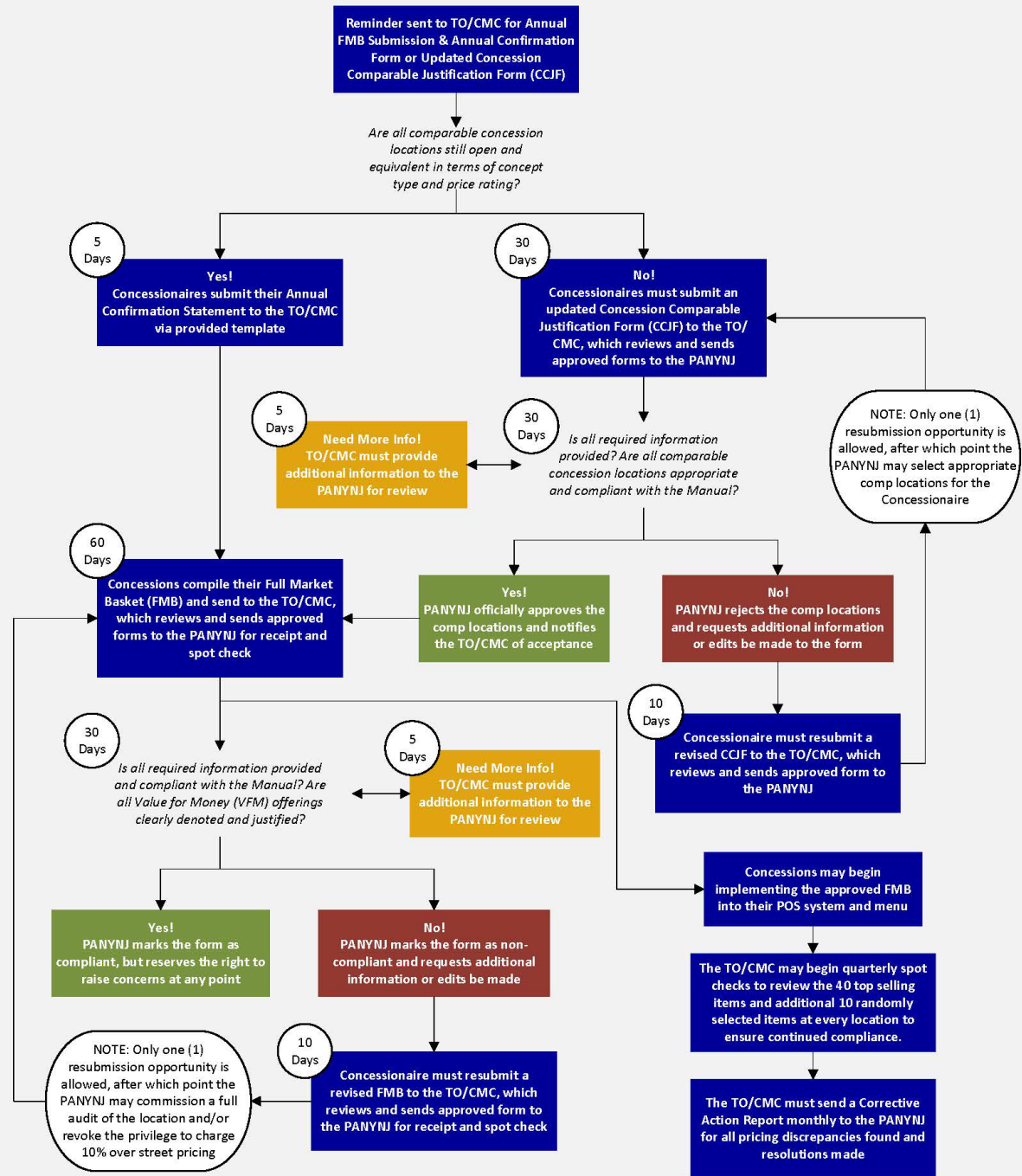
The TO/CMC must retain all supporting documentation (CCJF, FMB Analysis, etc.) for a period of at least five (5) years. PANYNJ may request supporting documentation from TO/CMC to follow up on pending items from time to time.

9. WORKFLOW SUMMARY

The workflow below summarizes the critical steps that must be completed by the Concessionaires and/or TO/CMCs.

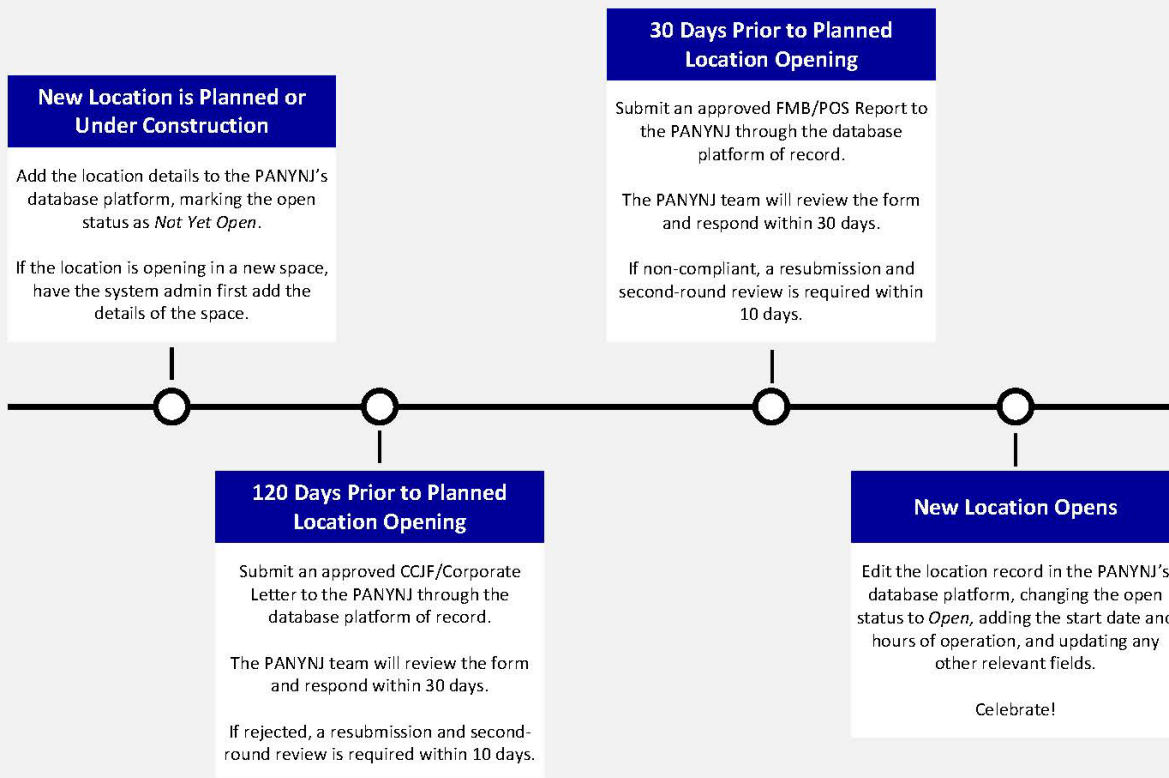
Annual Confirmation Timeline for Concessionaires Street Pricing Standards & Procedure Manual

The following flow-chart details the steps on an ongoing annual basis required for concessionaires and TOs/CMCs to confirm or revise comp locations and full market baskets with denoted MAXIMUM calendar days for each step



New Location Timeline for Concessionaires Street Pricing Standards & Procedure Manual

The following flow-chart details the steps prior to the opening of a new concession location required for concessionaires and TOs/CMCs to compile comp locations and full market baskets



10. APPENDIX

Template Instructions

1. Concession Comparison Justification Form (CCJF)
2. Full Market Basket (FMB) Analysis
3. Annual Confirm Statement
4. Price Revision Process
5. Comparable Concession Location Revision Process
6. Corrective Action Report

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Template Instructions

Order of Submission		Instructions	Link
1	CCJF	Form completed and submitted by the Concessionaire of Concession Comparable Locations (three - six) submitted to the TO/CMC prior to completing the Full Market Basket. Following details in the PANYNJ Aviation Department Concession Street Pricing Standards and Procedures Manual. Refer to Concession Street Pricing Manual Sections 4 and 7.3.	1. Concession Justification Form
2	FMB Analysis	After receiving approval from the TO/CMC and PANYNJ, the Concessionaire will proceed with the FMB using ONLY the comparable concession locations approved on the Comparison Justification Form. This is submitted to the TO/CMC for approval. Refer to Concession Street Pricing Manual Sections 5 and 7.4.	2. FMB Analysis
3	Annual Confirmation Statement	Submitted with the FMB, the Concessionaire will complete an annual confirmation for each concession location regarding the comparable concept, location, price rating, and category designation on a date specified by the PANYNJ, including acknowledgement that the current Comparable Concessions remain open and operational. Refer to Concession Street Pricing Manual Section 4.9.	3. Annual Confirmation Statement
4	Price Revision Process	Prior to any increases in pricing as reflected in the FMB Analysis, the Concessionaire must prepare and submit an updated FMB analysis to the TO/CMC for review and approval. Refer to Concession Street Pricing Manual Section 7.5. 2. FMB Analysis	2. FMB Analysis
5	Comparable Concession Location Revision Process	If a previously approved location is permanently closed, relocates outside of the Metro Area or if the Concessionaire's menu has changed such that it no longer aligns with the approved location, the Concessionaire must submit a new CCJF. When submitting the new CCJF, include detailed notes in the "Justification" column. These notes should explain the reason for the change and specify the original approved location as well as the new requested location. Refer to Concession Street Pricing Manual Section 7.3.	1. Concession Justification Form
6	Corrective Action Report	The TO/CMC shall provide a Corrective Action Report to the PANYNJ of all Street Pricing discrepancies noted during periodic price reviews and spot checks and documentation of their resolution for the Concessionaires within its Terminal. Refer to Concession Street Pricing Manual Section 8.2.	6. Corrective Action Report

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1. CCJF

PORT AUTHORITY NY NJ AIR LAND RAIL SEA		Concession Comparison Justification Form											
<i>Refer to Concession Street Pricing Manual Sections 4 and 7.3</i>													
Instructions for Concessionaires:													
1. In Section A, Provide the Concessionaire Information													
2. In Section B, Complete the Submission Period Information													
3. In Section C, Provide the name and position of the Concessionaire that completed this form													
4. List three to six Comparable Concessions in the Greater New York City-Northern New Jersey Metropolitan Area that you are requesting as a basis for product and price comparisons in Section E. Duty-free Concessionaires must use duty-free Concessions at other major urban international airport locations within the Northeast Region other than PANYNJ airports or West Coast major urban international Airports. The Price Rating must be pulled from Yelp or Google; if the ratings differ, you must report the higher of the two.													
5. Provide Photos of Comparable Concessions													
6. Submit to TO/CMC													
<i>Note: concessionaire and TO/CMC to complete all gray cells.</i>													
Instructions for Concession Management Company/Terminal Operators (CMC/TO):													
1. Review the Comparable Concessions listed in Section E.													
2. Approve the Comparable Concessions in Section E, or if Not Approved, return to Concessionaire for revision.													
3. Once the Comparable Concessions are approved, provide the name and position of the (CMC/TO) that completed and approved this form in Section C.													
4. Submit to PANYNJ through the Concession Data Entry Portal site for Approval.													
Port Authority will Sign-Off on their Approval in Section D.													
<i>Note: Report name on Excel tab has been adjusted to meet Excel's character limit.</i>													
Section A: Concessionaire Information													
Concessionaire	Happy Food Co.	Airport	EWR										
Store Name "DBA"	Rupert Lee's Hello Deli	Terminal	C										
Concept Type	Restaurant - Fast Casual (\$-\$)	PrePost Security	First Security										
Price Rating	\$	Store Location(s)	C1, C2, C3										
Cuisine	Deli	Space Number(s)	37, 63, 86										
Category Designation	Non-Branded	Terminal Operator (TO)	Terminal Co.										
		Concessions Manager (CM)	AB Concessions Mgt										
Section B: Concessionaire Submission Period Information													
Period	2022	Airport Concession Location Description Details											
Date Submitted:	4/15/2022	Provide information about the Airport Concession Location that will help reviewers understand the comparable locations. Concessionaire can provide attachments i.e. product list or renderings to assist with the review											
Concession Opening Date:	7/30/2022												
Section C: Justification Statement Form Sign Off													
Entity	Position	Name	Date										
Happy Food Co.	VP Operations	Jane Smith	4/15/2022										
AB Concessions Mgt	General Manager PA Airports	Ellen Daniels	4/15/2022										
Terminal Co.	Commercial Officer	John Doe	4/15/2022										
Section D: PANYNJ Approval													
Port Authority of New York and New Jersey	PANYNJ Concessions Manager		4/30/2022										
Section E: Comparable Concessions													
Comparable Concession	Name	Address	Website	Concept	Cuisine	Location Match (Y/N)	Price Rating	Category Designation	Photo Provided/On Website	Has the comparable been previously approved?	Is this a comp change?	(MANDATORY) Concessionaire Justification Comments	Terminal Operator Review (Y/N)
1	2nd Ave Deli	1442 1st Ave, New York, NY 10021	www.entrwebsitehere.com	Restaurant - Fast Casual (\$-\$)	Deli	Y	\$	Non-Branded	Yes	No	No	27 of 51 projected items are captured here; Variety of budget-priced ready-to-eat or quickly prepared food options. No table service.	Concept Location Pricing/Rating Category
2	Anita's Deli & Grocery	180 Lexington Ave, New York, NY 10016	www.entrwebsitehere.com	Restaurant - Fast Casual (\$-\$)	Deli	Y	\$\$	Non-Branded	Yes	No	No	51 of 51 projected items are captured here; Variety of budget-priced ready-to-eat or quickly prepared food options. No table service.	Concept Location Pricing/Rating Category
3	Times Deli	158 W 44th St #1, New York, NY 10036	www.entrwebsitehere.com	Restaurant - Fast Casual (\$-\$)	Deli	Y	\$\$	Non-Branded	Yes	No	No	20 of 51 projected items are captured here; Variety of budget-priced ready-to-eat or quickly prepared food options. No table service.	Concept Location Pricing/Rating Category
4	Wawa	555 New Durham Rd, Piscataway, NJ 08854	www.entrwebsitehere.com	Restaurant - Fast Casual (\$-\$)	Deli	Y	\$	Branded	Yes	No	No	45 of 51 projected items are captured here; Variety of budget-priced ready-to-eat or quickly prepared food options. No table service. Note that although Wawa is	Concept Location Pricing/Rating Category

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2. FMB Analysis

PORT
AUTHORITY
NYNJ
AIR LAND RAIL SEA

Full Market Basket Form

Refer to Concessionaire Street Pricing Manual Sections 5 and 7.4

Instructions for Concessionaires:
 1. Provide the Concessionaire Information in section A.
 2. Complete the Submission Period Information in Section B.
 3. Provide the name and position of the Concessionaire that completed this form in Section C.
 4. Provide the Comparable Concession information in Section E.
 5. List all concessionaire Inventory items and related information in Section F.
 6. Submit to TO/CMC.

Note: concessionaire and TO/CMC to complete all gray cells.

Instructions for Concession Management Company/Terminal Operators (CMC/TO):
 1. Review the Inventory Items and related information in Section F.
 2. Approve the Inventory Items in Column AY, or if Not Approved, return to Concessionaire for revision.
 3. Once the Comparable Concessions are approved, provide the name and position of the (CMC/TO) that completed and approved this form in Section C.
 4. Submit to PANYNJ through the Concession Data Entry Portal site for Approval.

Port Authority will Sign-Off on their Approval in Section D.

Section A: Concessionaire Information

Concessionaire	Happy Food Co.	Airport	EWB
Store Name "DBA"	Rupert Jee's Hello Deli	Terminal	C
Concept Type	Restaurant - Fast Casual (\$-\$)	Pre/Post Security	Post-Security
Price Rating	\$\$	Store Location(s)	C1, C2, C3
Cuisine	Deli	Space Number(s)	37, 63, 95
Category Designation	Non-Branded	Terminal Operator (TO)	Terminal Co.
		Concessions Manager (CM)	AB Concessions Mgt

Section B: Concessionaire Submission Period Information

Period	2022	Airport Concession Location Description Details
Date Submitted:	4/15/2022	<Provide information about the Airport Concession as described on Justification Form> Concessionaire can provide attachments i.e. product list or renderings to assist with the review
Prices Valid from:	7/31/2022	
Prices Valid to:	12/31/2022	

Section C: Full Market Basket Sign Off

Entity	Position	Name	Date
Happy Food Co.	VP Operations	Jane Smith	4/15/2022
AB Concessions Mgt	General Manager PA Airports	Ellen Daniels	4/25/2022
Terminal Co.	Commercial Officer	John Doe	4/25/2022

Section D: PANYNJ Approval

Port Authority of New York and New Jersey	PA NY/NJ Concessions Manager	4/30/2022
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Section E: Concession Comparable Information


Comparable Concession	Name	Address	Website
1	2nd Ave Deli	1442 1st Ave., New York, NY 10021	www.enterwebsitehere.com
2	Anita's Deli & Grocery	180 Lexington Ave, New York, NY 100	www.enterwebsitehere.com
3	Times Deli	158 W 44th St #1, New York, NY 100	www.enterwebsitehere.com
4	Wawa	555 New Durham Rd, Piscataway, NJ	www.enterwebsitehere.com
5			
6			

List 3-6 Comparable Concessions as Needed


Section F: Concessionaire Inventory Items

Item #	Item	Description	Quality	Weight/Size	VFM (Y/N)	VFM Cat.	Current Price	VFM Count	TOP #	Name of Comparable Concession #1										
								2	2	Address										
Item #	Item	Description	Quality	Weight/Size	VFM (Y/N)	VFM Cat.	Current Price	Top 40 Items (X)	Additional Details	Item	Description	Quality	Size/Weight	Unit Match Actual	Equivalent Price	Average	Street Price + 15% (Maximum Allowed)	Proposed Price	Difference vs. Street + 15% Price	Percentage Proposed Street
1	\$2 Water Bottle	16-24 oz water bottle		16-24 oz water bottle	Y	NA Beverages	\$ 3.99													
		A custom choice of 3 cooked veggies and a cheese. combined with 3 organic eggs scrambled. With a choice of rice, hashbrowns, or tater tots. All mixed into a bowl and served with a non alcoholic drink		Approximately 5 oz of egg, 3 oz of veggies, 1oz of cheese, and 3 oz of rice/hashbrowns/tater tots. For a total of 12-14 oz as production is not exact.	Y	Breakfast Mix	\$ 12.99													
2	EXAMPLE: Bane of Hunger Bowl	USDA certified eggs			N															
3		<VFM>			N															
4		<VFM>			N															
5					N											#REF!	#REF!			
6					N															
7					N															
8					N															

3. Annual Confirm Statement

	Annual Confirmation Statement
<i>Concessionaire - Provide this on Company Letterhead</i>	
From: Concessionaire To: Port Authority of New York New Jersey CC: Concession Management Company/ Terminal Operator (if applicable) Subject: Annual Confirmation Statement	
In accordance with the Port Authority of New York and New Jersey Concessionaire Street Pricing Standards and Procedures Manual, we hereby:	
1. Confirm the three to six Comparable Concessions previously approved and listed below are compliant regarding the comparable concept, location, price rating, and category.	
Comp 1: Comp 2: Comp 3: Comp 4 (Optional): Comp 5 (Optional): Comp 6 (Optional):	
2. Confirm the three to six Comparable Concessions previously approved and listed above remain open and in operation.	
Date: 01/01/2025	
Signature	

4. Corrective Action Report

 Monthly Corrective Action Report <i>Refer to Pricing Manual Section 8.2</i>										
Instructions for Concession Management Company/Terminal Operators (CMC/TO): 1. The TO/CMC must conduct on-site spot checks of Concessionaire locations to confirm that pricing is consistent with the most recently approved FMB Analysis, all pricing labeling and signage requirements are being met, and Value for Money offerings are compliant with the approved Value for Money Plan. 2. The Concessionaire will correct any areas of non-compliance within forty-eight (48) hours of receipt of notification by the TO/CMC. 3. On a monthly basis, the TO/CMC shall compile all discrepancies and resolutions in the report below and provide it to the PANYNJ for review. <i>If the Concessionaire does not make appropriate adjustments to comply with the Street Pricing Policy within three (3) days of such notice of non-compliance, the products and services which are not in compliance may be required to be removed from the Airport Concession Location, and liquidated damages may be imposed</i>										
Section A: TO/CMC Information										
Terminal Operator	Terminal Co.	Airport	EWR							
Concession Management Company	AB Concessions Mgt	Terminal	2							
Section B: Report Submission Period Information										
Date Submitted:	5/16/2022	VOC	Voice Of the Customer							
		SM	Social Media							
		PA	PA Inspection							
		TO/CMC	TO/CMC Inspection							
Section C: Corrective Action Report Sign Off										
Entity	Position	Name	Date							
AB Concessions Mgt	General Manager PA Airports	Jane Smith	5/11/2022							
Terminal Co.	Commercial Officer	Ellen Daniels	5/4/2022							
Section D: Port Authority Receipt										
Port Authority of New York and New Jersey	PA NY/NJ Concessions Manager	5/10/2022								
Section E: Existing Approved Comparable Concessions										
ID	Store Name "DBA"	Concessionaire	Location Description	Space Number	Pricing Discrepancies	Source	Date Found	Corrective Action	Date Corrected	Terminal Operator Confirmed Correction (Y/N)
1	Bob's Burger	Happy Food Co.	C1 Post-Security near gate C73	37	16 oz beer approved at \$8 on the FMB but is listed on the menu for \$10	TO/CMC	4/1/2022	Tenant updated menu and POS system to reflect the previously approved price	4/3/2022	Y - Photo attached
2	Rupert Jee's Hello Deli	Happy Food Co.	C2 Post-Security near gate C109	95	Prices were not displayed for three sandwiches	PA	4/5/2022	Price labels added to display case	4/6/2022	Y - operation staff confirm; Photo attached