



ADDENDUM

Date: **February 14, 2019**  
Subject: **Questions & Answers for PLCB Invitation for Bid for Expired Restaurant License Auction**  
IFB Number: **260338**  
Due Date/Time: **March 25, 2019 12:00 PM**  
Addendum Number: **1**

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To All Bidders:

A solicitation "Addendum" is defined by the Commonwealth of Pennsylvania as an addition to or amendment of the original terms, conditions, specifications, or instructions of a procurement solicitation (e.g., Invitation to Bid, Request for Proposals or Request for Quotations).

*List any and all changes:*

- Attached are questions received as of February 11, 2019, along with the PLCB's responses.

Except as clarified and amended by this Addendum, the terms, conditions, specifications, and instructions of the solicitation and any previous solicitation addenda, remain as originally written.

Respectfully,

Name: **Melinda John**  
Title: Issuing Officer  
Email: [RA-LBLICENSEAUCTION@PA.GOV](mailto:RA-LBLICENSEAUCTION@PA.GOV)

**PENNSYLVANIA LIQUOR CONTROL BOARD**  
**IFB# 260338**  
**Expired Restaurant Liquor License Auction**

Questions Submitted by 12:00 PM on February 11, 2019

\*All references to "IFB" in the responses below are to the provisions of IFB #260338

**To view IFB #260338, click on the "FINAL IFB 260338" document under Original Files, and then select either Open or Save and Open in the following link:**

<http://www.emarketplace.state.pa.us/Solicitations.aspx?SID=260338>

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**ABOUT THE LICENSES**

**Q1. I am an operating restaurant in Erie County interested in an Eating Place Retail Dispenser License. I have only found two in my area. I have never seen one come up for auction. Is it possible to get a new license?**

*A1. This Expired Restaurant Liquor License Auction is being conducted pursuant to section 470.3 of the Pennsylvania Liquor Code, 47 P.S. § 470.3, and does not include types of licenses other than Restaurant (R) licenses. Questions regarding other licenses may be directed to the PLCB's Bureau of Licensing at [ra-lblicensing@pa.gov](mailto:ra-lblicensing@pa.gov) or by calling 717-783-8250. Also, as set forth in the IFB, it is highly recommended that you seek private counsel experienced in Pennsylvania liquor law to assist you with your commercial enterprise.*

**Q2. Is this license the correct type of license for an event center, such as a hall rental for Christmas parties, weddings, etc.?**

*A2. Please see Q/A #1 above, as well as the IFB and its Attachment A--Frequently Asked Questions (FAQ). As noted in the IFB, the PLCB cannot provide legal advice to individual bidders, and consultation with private counsel experienced in Pennsylvania liquor law is strongly encouraged. Please also note that "restaurant" is defined in section 102 of the Pennsylvania Liquor Code. 47 P.S. § 102.*

**Q3. Is this license compatible for use in an eat-in convenience store?**

*A3. Please see Q/A#2 above.*

**Q4. Are you able to sell 6-packs, wine, etc. for takeout with this R-license?**

*A4. Please see Q/A #2 above. A restaurant license authorizes the license holder to sell limited quantities of beer to go, and restaurant license holders can apply for a [wine expanded permit](#), which authorizes the sale of limited quantities of wine to go.*

**Q5. Is the R-license to be auctioned "clear" of any back taxes or penalties?**

*A5. Please review the IFB on page 13 at Attachment A FAQ # 2.*

**Q6. I am looking at this auction and, in the past, it would list the township of the license for auction. This year it doesn't seem to. Is there a way to find out what township is for Wayne County?**

**A6.** *Please see the listing of licenses to be auctioned on page 2 of the IFB, specifically the Municipality column.*

**Q7. Are there any Philadelphia licenses available for this auction?**

**A7.** *Please see the listing of licenses to be auctioned on page 2 of the IFB.*

**Q8. Are there any licenses available for this auction for Chester county?**

**A8.** *Please see the listing of licenses to be auctioned on page 2 of the IFB.*

**Q9. Is more than one license available for auction in Elk county?**

**A9.** *Please see the listing of licenses to be auctioned on page 2 of the IFB.*

**Q10. Couldn't find the actual list of what licenses are up for auction. Can you provide the link or a file?**

**A10.** *Please see the listing of licenses to be auctioned on page 2 of the IFB.*

**Q11. Is there a place where I can find the actual licenses available for auction?**

**A11.** *Please see the listing of licenses to be auctioned on page 2 of the IFB.*

**Q12. Can you tell me about the Blair license to be auctioned? Not finding any match to R-8671. Could that be a typo?**

**A12.** *Please review the IFB on page 13 at Attachment A FAQ # 1, 2 and 3.*

**Q13. Are there any additional fees for this license?**

**A13.** *Please see Q/A#5 above.*

**Q14. Are there any liens on the license that a purchaser (bidder) would be liable for?**

**A14.** *Please see Q/A #5 above.*

**Q15. Can the license be moved to any township?**

**A15.** *Please review the IFB on page 15 at Attachment A FAQ # 10.*

**Q16. Can the license be transferred to another county?**

**A16.** *Please see Q/A#15 above.*

**Q17. How much seating is required within the business to have an R-license?**

**A17.** *R licenses require at least 400 square feet of licensed space and food and seating for at least 30 people. Additionally, please see Q/A #1 and 2 above, as well as the IFB and its Attachment A--FAQ.*

## **ABOUT THE AUCTION PROCESS**

### **A. Who Can Bid**

**Q18. I am the owner of a Brewing Company in Chester Township, Delaware County. I am interested in adding the Delaware County license to my brewery location. Is it restricted to certain municipalities? I'm new at this bidding process. Would it be better for me to hire an attorney?**

*A18. Individuals or entities considering participation in this IFB are encouraged to seek private counsel experienced in Pennsylvania liquor law to ensure eligibility. Due to the potential for conflicts of interest or other appearances of impropriety, the PLCB cannot provide legal advice to Bidders; however, general guidance regarding Interlocking Business Interests is offered on page 9 of the IFB.*

**Q19. Do you have to be a current licensee to bid on the 25 expired restaurant licenses?**

*A19. No.*

**Q20. Can a current liquor licensee own more than one license?**

*A20. Generally speaking, the holder of a restaurant license may apply for additional restaurant licenses; however, due to the potential for conflicts of interest or other appearances of impropriety, the PLCB cannot provide legal advice to Bidders. Individuals or entities considering participation in this IFB are encouraged to seek private counsel experienced in Pennsylvania liquor law to ensure eligibility.*

## **B. How to Bid**

**To view IFB #260338, click on the "FINAL IFB 260338" document under Original Files, and then select either Open or Save and Open in the following link:**

<http://www.emarketplace.state.pa.us/Solicitations.aspx?SID=260338>

**Q21. Is there an official bid form which must be completed and submitted by the deadline, or is a letter sufficient?**

*A21. Yes, an official bid form must be completed and submitted. Please see the listing of licenses to be auctioned on page 2 of the IFB, as well as the applicable bid sheets on pages 23 to 47.*

**Q22. Who does the bid surety check get made payable to, and is a personal check acceptable?**

*A22. Please see the Bid Surety requirements on Page 5 of the IFB.*

**Q23. May I please request the information to bid on the Lackawanna county liquor license?**

*A23. The specific requirements for bidding on a liquor license, including the deadline for when to submit a bid and the directions on how to submit a bid, can be found in the IFB at the website listed above.*

**Q24. What are the auction procedures for a Restaurant Liquor License?**

*A24. The specific requirements for bidding on a liquor license, including the deadline for when to submit a bid and the directions on how to submit a bid, can be found in the IFB at the website listed above.*

**Q25. Is it possible to have any and all information required to achieve a license for a restaurant in Huntingdon county?**

**A25.** *The specific requirements for bidding on a liquor license, including the deadline for when to submit a bid and the directions on how to submit a bid, can be found in the IFB at the website listed above.*

**Q26. What are the requirements for a bidder to participate in this auction? How do I go about bidding for a license in this auction since it wasn't clear from the website?**

**A26.** *The specific requirements for bidding on a liquor license, including the deadline for when to submit a bid and the directions on how to submit a bid, can be found in the IFB at the website listed above.*

**Q27. Is it possible to forward the details and list of liquor license to be auctioned?**

**A27.** *The specific requirements for bidding on a liquor license, including the deadline for when to submit a bid and the directions on how to submit a bid, can be found in the IFB at the website listed above.*

**Q28. Can the bid surety come in the form of a bank letter of guarantee?**

**A28.** *Please see the Bid Surety requirements on Page 5 of the IFB.*

### **C. Next Steps**

**Q29. If I do not win the bid, is the bid surety will be returned to me? If it is, how does that take place?**

**A29.** *Please review the IFB on page 19 at Attachment A FAQ # 29.*

**Q30. We were recently approved for the transfer of a hotel ("H") liquor license. That sale fell through. Can this approval be considered "prior approval" and used for the new license if we win (it is in the same county)? The license we are pursuing during this auction is in a different municipality than where we will operate. We are currently doing the legal work to have approval to transfer it to the correct municipality ready for when the Notice of Selection goes out. Would this be sufficient if the above is considered to be prior approval or would we need to do a whole new application for transfer?**

**A30.** *A new restaurant ("R") license transfer application would have to be filed; however, assuming that the R legal entity is the same as the referenced H legal entity, the PLCB's Bureau of Licensing will work with a Selected Bidder to avoid duplicate requests for information and duplicate processing.*

**Q31. Is it possible to provide the past history of winning bids? It may give an idea of how to bid more responsibly.**

**A31.** *Previous auction results can be found on PLCB's public website at: <https://www.lcb.pa.gov/Licensing/ResourcesForLicensees/Pages/Restaurant-License-Auction.aspx>*

**Q32. I am an LLC and the sole owner of the business. I am married, and my husband has nothing to do with this business. Does he need to be on the license or have background check done on him too even though he is not part of this LLC?**

*A32. As noted in the IFB, the PLCB cannot provide legal advice to individual bidders and consultation with private counsel experienced in Pennsylvania liquor law is strongly encouraged. Please also carefully review the IFB, including the Attachment A FAQ. Voluminous information is also available on the PLCB's website at [www.lcb.pa.gov](http://www.lcb.pa.gov).*

**Q33. How long from the announcement of the winning bid until the purchaser would have to put the license into use?**

*A.33. Please review the IFB on page 14 at Attachment A FAQ # 8 and 9.*

**Q34. What happens to the \$5,000 if you are not the highest bidder and is there security in that money of it is returned?**

*A34. Please review the IFB on page 19 at Attachment A FAQ # 29.*