

SOLICITATION# Q99-2-O

REQUEST FOR PROPOSALS

**FOR THE OPERATION OF A NON-MOTORIZED BOAT RENTAL SERVICE AT THE
WORLD'S FAIR MARINA**

FLUSHING MEADOWS CORONA PARK

QUEENS



ISSUE DATE:

October 8, 2009

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**MAYOR OF THE CITY OF NEW YORK
COMMISSIONER OF PARKS & RECREATION
ASSISTANT COMMISSIONER FOR REVENUE & MARKETING
BOROUGH COMMISSIONER FOR QUEENS PARKS
ASSISTANT COMMISSIONER FOR QUEENS PARKS**

www.nyc.gov/parks

REQUEST FOR PROPOSALS (RFP)

The City of New York Department of Parks & Recreation (“Parks”) requests proposals for the operation of a non-motorized boat rental service at the World’s Fair Marina, Flushing Meadows Corona Park, Queens.

THE TERM

Parks is seeking a concessionaire for a one (1) season term with four one (1) season renewal options, exercisable at Parks’ sole discretion. For the purposes of this RFP, each “season” will commence approximately April 15th and terminate approximately November 15th of each operating year. This concession will be operated pursuant to a Permit issued by Parks; no leasehold or other proprietary right is offered.

PROJECT MANAGER

The Project Manager for this concession is Joel Metlen. All RFP questions and/or inquiries should be directed to him. He may be reached at:

Phone: (212) 360-3483
Email: joel.metlen@nyc.parks.gov
Fax: (212) 360-3434



If you have a hearing impairment, please call the following toll-free number and leave a message on the Telecommunication Device for the Deaf (TDD). The TDD number is 1-212-504-4115.

REQUEST FOR PROPOSALS TIMETABLE

The following schedule has been established for this Request for Proposals:

RFP Release Date:	Thursday, October 8, 2009
Recommended Proposer Meeting & Site Tour:	Thursday, November 5, 2009 at 11am
Proposal Due Date:	Thursday, November 19, 2009 at 3pm



If you have a physical disability and cannot deliver your proposal to the Arsenal, please contact the Project Manager(s) at least 48 hours prior to the deadline and alternate arrangements can be made.

RECOMMENDED PROPOSER MEETING & SITE TOUR

There will be a recommended on-site proposer meeting and site tour on Thursday, November 5, 2009 at 11am. We will be meeting at the entrance to Pier 1 at the World’s Fair Marina. If you are considering responding to this RFP, please make every effort to attend this meeting and site tour.

I. PROJECT BACKGROUND

A. WORLD'S FAIR MARINA AND FLUSHING MEADOWS CORONA PARK

Flushing Meadows Corona Park, one of New York City's most prized parks, is comprised of 1,255 acres of beautifully landscaped meadows, lakes, fountains, stadiums, athletic fields, playgrounds, a zoo and a museum. Once known as the Corona Ash Dumps, this former dumping ground was transformed by then Parks Commissioner Robert Moses into a City park, in preparation for the 1939-40 World's Fair. Flushing Meadows Corona Park later hosted the 1964-65 World's Fair. Some of the prominent structures left behind from the 1964-65 World's Fair include the Unisphere, the Hall of Science, the New York State Pavilion and Towers, and the Marina.

Although the World's Fair Marina ("Marina") was completed in 1964, the site has hosted international visitors since English settlers first arrived here in the 17th century. Today, the Marina is one of the larger public recreational boating facilities on the eastern seaboard, capable of harboring over 250 vessels on nearly 4,000 feet of dock in Flushing. In June 2001, Parks completed a \$14.8 million-dollar reconstruction of the 25-acre Flushing Bay Promenade, the waterfront area adjacent to the Marina, as part of an effort to revitalize the Queens waterfront. Available for users of the Marina is a 111-vehicle parking lot, a large concrete boat launch and wooden pier, suitable for launching motorized and non-motorized boats into Flushing Bay, and a public restroom.

B. THE CONCESSION SITE

The location of the concession site is on the fuel dock at the end on Pier 1 of the Marina ("Permitted Premises"). The exact location will remain subject to Parks' written approval.

II. PROJECT COMPONENTS

A. OPERATIONS

Parks is seeking a concessionaire to operate a non-motorized boat rental concession at the Permitted Premises in Flushing Meadows Corona Park, Queens. The purpose of this concession is to provide visitors to the Marina with a unique opportunity to experience the outdoors and explore the many facets of Flushing Bay through the rental of non-motorized boats. Parks seeks proposers who can demonstrate substantial experience in the operation of a non-motorized boat rental service. For the purpose of the RFP, "non-motorized boat" shall be defined as a self-propelled watercraft, such as a kayak, rowboat, or canoe.

Operational Plan

Proposers should submit a detailed operational plan for the entire Permitted Premises. This plan should include, but not be limited to, hours of operation, proposed equipment and design, a detailed list of all proposed fees and prices, services to be provided, safety and security plans, staffing plans, programming plans, mechanisms to measure customer satisfaction, plans to use "Green Seal" or other environmentally friendly products or devices, plans regarding community relations, and plans and schedules for maintenance, delivery, rubbish removal, and cleaning. All plans, schedules, services, rental items, prices and fees, and hours of operation are subject to Parks' prior, written approval.

Boat Rentals

The concessionaire may offer up to fifteen (15) non-motorized boats for rent. The exact number of non-motorized boats offered for rent and the duration of the rental period are subject to Parks' prior written approval.

Rental Rates

Parks currently has four similar boat rental concessions currently operating at the Meadow Lake Boathouse in Flushing Meadows Corona Park, Kate Wollman Rink in Prospect Park, Lake Club in Clove Lakes Park, and the Loeb Boathouse in Central Park.

The current rental rates at each of the four locations identified above have been included below for reference purposes:

Meadow Lake Boathouse, Flushing Meadows Corona Park

- \$15.00 for the first hour
- \$7.50 for each additional 15 minutes

Kate Wollman Rink, Prospect Park

- \$10.00 deposit
- \$16.25 per hour

Lake Club, Clove Lakes Park

- \$10.00 per hour (rowboat and pedal boat)
- \$15.00 per hour (oversize rowboat)
- \$25.00 per hour (gondola)

Loeb Boathouse, Central Park

- \$30.00 deposit
- \$12.00 for the first hour
- \$3.00 for each additional 15 minutes

All proposals must include a rental rate for kayaks, rowboats and/or canoes. This rental rate may include a deposit, hourly fee, and/or flat fee and should take affordability into account. All rental rates and any changes to those rates are subject to Parks' prior written approval.

Permitted Boating Area

The concessionaire will be required to keep boat renters within the "Permitted Boating Area," which is roughly defined as the rectangular area bordered by Pier 1 to the west, the public boat launch to the east, the shoreline to the south, and the line formed by the edge of the pier, red buoy 18, and green buoy 1 to the north. (See Appendix A)

The concessionaire shall inform all customers of the Permitted Boating Area and monitor the area for compliance. The concessionaire shall include a Permitted Boating Area acknowledgement clause in the waiver to be signed by each customer (see below under Safety). Under certain circumstances, boat renters participating in a guided tour provided and supervised by the appropriately certified guides/instructors may travel outside the permitted boating area.

Safety

Since safety is of the utmost concern, proposals must include a detailed safety and emergency response plan for the operation of the concession, including staff qualifications and certifications, if applicable. **Non-motorized boats may not be rented to children under 18 years old without adult**

accompaniment and children must not be left unsupervised during the rental period. Proposers with prior experience in operating these types of facilities should submit the safety record(s) for their business(es). Proposers should also provide a description of similar facilities (including locations) they have operated and/or are currently operating, as well as a list of at least three (3) references.

The concessionaire will be required to maintain a patrol vessel, which may be motorized, for customer support and recovery. The concessionaire is also required to supply a Personal Flotation Device (“PFD”) for each customer who launches a rental boat and any passengers riding in the rental boat. PFDs and all other safety equipment, such as whistles and distress flags, must be provided free of charge. Any waiver related to the use of the non-motorized boat rental by concession customers is subject to the prior written approval of Parks.

To view Parks’ safety recommendations and rules for kayak and canoe users please go to http://www.nycgovparks.org/sub_things_to_do/facilities/marinas/pdf/kayak_launch_permit2009.pdf. A copy of Parks’ safety recommendations can also be obtained by contacting the Parks Project Manager indicated above. For the purposes of this RFP, Parks’ safety recommendations and rules for kayak and canoe users will also apply to rowboat users.

Equipment

The concessionaire will be responsible for supplying all equipment necessary for the successful operation of this concession. This includes, but is not limited to, non-motorized rental boats, boat storage racks (if the concessionaire does not intend to store the non-motorized rental boats in the water), a patrol vessel, personal flotation devices (PFD) for every customer, and a moveable rental station (described below). Additionally, the design and color of all equipment is subject to Parks’ prior written approval. The concessionaire shall also repair or replace any equipment if deemed necessary by Parks.

Moveable Rental Station

The concessionaire may set-up a moveable rental station, such as a small booth or cart, on Pier 1 in order to attract customers and direct foot traffic down to the adjacent fuel dock. The colors and design of the rental station are subject to Parks’ prior written approval.

Services

Proposers should include any plans to offer boat rental related services, such as lessons and guided tours of Flushing Bay, in their proposals. All proposed services are subject to Parks’ prior written approval.

Hours of Operation

All days and hours of operation during each operating season will be subject to Parks’ prior written approval. No rentals may be made before sunrise or after sunset.

Signage

All signage and advertising is subject to Parks’ prior written approval. A Parks permit must be displayed at all times in a visible location. A sign specifying rental options and prices, must also be displayed in a visible location at all times. The concessionaire will be required to keep all signs and structures at the Permitted Premises in good condition and free of graffiti.

Permit Sticker

The concessionaire will receive a permit sticker upon registration of their Permit. A new sticker will be issued for each season of operation, provided the concessionaire complies with the requirements of the Permit. If the concessionaire loses a sticker, the concessionaire will be charged a fee of \$50.00 for each replacement sticker.

Staff

The concessionaire will be required to have a sufficient number of properly trained and certified staff, including a manager, available at the Permitted Premises during operating hours to ensure proper operation of the concession. Parks reserves the right to require that all staff wear uniforms that have been approved in writing by Parks.

Security

The concessionaire will be required to maintain total security at the Permitted Premises and shall cooperate with Parks to ensure security in the surrounding parkland. The concessionaire will be required to secure the Permitted Premises and any other equipment every evening. Proposals should include a detailed plan for security at the Permitted Premises.

Storage

In-water storage will be provided for the rental boats at the fuel dock. The concessionaire shall be responsible for, at its sole cost and expense, obtaining any additional storage space required for the operation of the concession, whether through the placement of storage containers/racks on the Permitted Premises or by acquiring off-site storage space. The number and placement of any storage containers, including boat storage racks, on the Permitted Premises is subject to Parks' prior written approval.

Maintenance

The concessionaire is expected to operate, at its sole cost and expense, the entire concession in good and safe condition and in accordance with industry standards. This includes the maintenance and repair of the entire Permitted Premises including, but not limited to, all interior and exterior structures, building systems, utility systems and connections, sewer systems and connections, equipment, lighting, sidewalks, vaults, gutters, curbs, and fixtures, as well as the non-motorized rental boats. The concession does not include the maintenance and repair of the fuel dock which is covered under the terms of a separate concession agreement with Parks. To ensure Parks' satisfaction that the concessionaire is in compliance with the requirements of this paragraph, the concessionaire will be required to provide Parks with full and free access to the Permitted Premises.

Internal Controls

Throughout the term of the concession, the concessionaire will be required to maintain a revenue control system to ensure the accurate and complete recording of all revenue, in a form and manner acceptable to the City. This revenue control system must maintain detailed sales information from each sales transaction. Specifically, sales information must be recorded electronically, via a point-of-sale system, and must include, but is not limited to, details on each sales transaction, the item(s) sold, time, date of sale and price of the item sold. The concessionaire must also establish a dedicated bank account for deposits of concession-generated revenue. All accounting and internal control related records shall be maintained for a minimum of six (6) years.

Rubbish Removal & Recycling

The concessionaire will be responsible for, at its sole cost and expense, clean-up and removal of all waste, garbage, refuse, rubbish and litter from the Permitted Premises and the area within fifty (50) feet of the Permitted Premises. The concessionaire must provide adequate, easily accessible waste and recycling receptacles, approved in writing by Parks, and have these receptacles emptied on a daily basis and removed by a private carter. The concessionaire must comply with all City, State, and Federal regulations regarding recycling. Rubbish removal schedules are subject to Parks' prior written approval.

Environmental Considerations

As the protector and provider of green spaces, Parks is deeply committed to respecting the environment. Therefore, all proposed operational plans should include a detailed description of the environmentally-

friendly practices planned for the Permitted Premises. Parks will view favorably those proposals which demonstrate the intent to employ environmentally friendly practices in the operation of the concession.

Parks will view favorably proposals that include plans to use “Green Seal” eco-friendly products such as soaps, cleaners, light bulbs, paper towels, toilet paper and paint. A list of “Green Seal” certified products can be found at <http://www.greenseal.org/findaproduct/index.cfm>. Proposers should state whether they intend to utilize or install “Green Seal” or other environmentally friendly products, devices or methods for cleaning and operational purposes in their individual proposal submissions. Proposers should also indicate whether they intend to utilize or install energy-efficient compact fluorescent light bulbs (CFLs).

Community Relations

Parks will view favorably proposals that demonstrate an awareness of the role of the Marina as an integral part of Flushing Meadows Corona Park and the surrounding community, showing a commitment to cooperating with and supporting Marina administrators, Marina patrons, and the community.

Customer Service

Parks expects the concessionaire to operate a high-quality amenity for the public. Parks encourages proposers to implement customer service mechanisms that will enhance and maintain the satisfaction of patrons. These mechanisms should be outlined in each proposal.

ADA Compliance

The concessionaire shall comply with all New York City, State and Federal requirements to provide safe and accessible recreational opportunities for everyone, including persons with disabilities. The concessionaire is encouraged to exceed accessibility requirements whenever possible, and not simply provide the minimum level required.

Inspections & Liquidated Damages

Inspectors from Parks will visit the Permitted Premises unannounced to inspect operations and ensure proper maintenance of the Permitted Premises. Based on their inspections, Parks may issue directives regarding deficiencies the concessionaire will be obligated to rectify in a timely fashion. Violations of the terms of the Permit may also result in the assessment of fines which, if not paid promptly, may be deducted from the concessionaire’s security deposit.

If the concessionaire fails to provide the cleaning, maintenance, and operational services required by the Permit, Parks shall notify the concessionaire in writing, and the concessionaire shall be required to correct such shortcomings within forty-eight (48) hours of receipt of such notice. In the event that the concessionaire fails to cure the violation, Parks will send the concessionaire a second written notice. If the concessionaire fails to cure the violation within forty-eight (48) hours of receipt of the second notice, Parks may, at its option, in addition to any other remedies available to it, require the concessionaire to pay to Parks as liquidated damages five-hundred dollars (\$500.00) per day from the date of the second notice, with respect to each violation of the Permit, until the deficiencies have been corrected.

No Exclusive Vending Rights

Proposers should note that the Permit will not grant the concessionaire exclusive rights to sell in the park in which the Permitted Premises are located. Moreover, Parks may grant other permits to vendors to sell the same or similar items authorized under this Permit within the same park in which the Permitted Premises are located. Parks does not guarantee that illegal vendors, persons unauthorized by Parks or disabled veteran vendors will not compete with the successful proposer or participating vendors that operate near the Permitted Premises. Parks encourages concessionaires to report illegal vendors by calling 311.

B. ADDITIONAL REQUIREMENTS DURING THE TERM OF THE PERMIT

1. The concessionaire will be required to obtain any and all necessary approvals, permits, and licenses for the lawful operation of this concession.
2. The concessionaire will be required to operate the concession for the use and enjoyment of the general public.
3. The concessionaire will be required to submit a security deposit of 25% of the highest season's guaranteed seasonal flat fee, which will be required for the duration of the term. This security deposit, which may be in the form of an interest-bearing instrument payable to Parks or other format approved in writing by Parks, will be due upon signing.
4. The concessionaire will be required to carry **Commercial General Liability insurance in the amount of \$2,000,000, Personal Injury Liability insurance in the amount of \$1,000,000, Property Damage insurance in the amount of \$1,000,000 and statutory limits of Worker's Compensation and Disability Insurance.** All policies other than Employer's Liability, Worker's Compensation, and Disability Insurance must name the City of New York and Parks as an additional insured. Fire and extended coverage equal to the replacement value of the structures will also be required, with the City of New York named as "Loss Payee." Proposers are on notice that the City may require higher liability limits if, in the opinion of the City's Risk Manager, the proposed program warrants it.
5. The concessionaire will be required to submit monthly statements of gross receipts from all categories of income in a format approved in writing by Parks. At the end of each operating season, the concessionaire will be required to submit a detailed income and expense statement for the past season's operation. Parks must approve all fees, prices and any subsequent increases in advance.
6. The concessionaire will be required to cooperate with Parks during special and other unanticipated events during the term of the Permit.
7. The concessionaire will be required to pay all taxes applicable to the operation of the concession. Gross receipts shall exclude the amount of any Federal, State or City sales taxes which are paid by the concessionaire.
8. The concessionaire shall not block any sidewalk, pathway, park entrance or other pedestrian walkway with concessionaire's equipment or supplies. The concessionaire shall place concessionaire's equipment and supplies in such manner that at least a six (6) foot walkway is available to pedestrians at all times.
9. Proposers should be aware that the City currently has and is developing "marketing partnership" agreements. These agreements may identify specific brands as the "designated" or "official" products or services of the City of New York. As this occurs, if the concessionaire sells goods in a category that is the subject of a marketing partnership, the concessionaire will be required to sell the specific products so identified on an exclusive basis. If directed by the City, the concessionaire may be required to purchase the products from designated distributors or suppliers. The City will use reasonable commercial efforts to work with designated distributors or suppliers to provide the products at a competitive price. Should the designated distributor or supplier be unable to furnish concessionaire a competitive price, then concessionaire shall be permitted to obtain the designated product from any source. If the subject of any marketing partnership is a service, the concessionaire

will be required to use the service identified if the concessionaire utilizes the service that is the subject of a marketing partnership. (For example, if the City enters into a marketing partnership with a financial institution that provides credit card service, the concessionaire will be required to accept payment by means of that credit card, but may in addition if the City's marketing partnership is non-exclusive, accept payment by means of another credit card). If a City marketing partnership for a service is exclusive, concessionaire will be required to use that service on an exclusive basis. The concessionaire, working with the City's marketing representative, may be required to give the City's marketing representative priority in the placement and scheduling of advertising. Marketing partners will be required to pay the market rate for any such advertising. The City reserves the right to preclude concessionaire from selling competing products (or using competing services) in those categories for which the City has entered into a "marketing partnership" agreement. Preclusion of any such product or service will not change the amount of payments to the City.

10. The concessionaire will be prohibited from placing or permitting the placement of advertisements at or around the Permitted Premises without the prior written approval of Parks. The display or placement of tobacco advertising shall be prohibited. The advertising of alcoholic beverages shall not be permitted. In the event advertising is allowed, the following standards will apply: Any type of advertising which is false or misleading, which promotes unlawful or illegal goods, services or activities, or which is otherwise unlawful or obscene as determined by Parks, including but not limited to advertising that constitutes the public display of offensive sexual material in violation of Penal Law Section 245.11 shall also be prohibited. Any such prohibited material displayed or placed shall be immediately removed by the Permittee upon notice from Parks. In addition, the advertising of product brands is prohibited without Parks' prior approval. Any and all signage is subject to Parks' approval.
11. The concessionaire will be responsible for regular pest control inspections and extermination as needed. To the extent that the concessionaire applies pesticides to any property owned or leased by the City, the concessionaire or any subcontractor hired by concessionaire shall comply with Chapter 12 of Title 17 of the New York City Administrative Code and limit the environmental impact of its pesticide use.
12. If the concessionaire does not comply with the terms of the Permit, the Permit may be terminated. Any warnings or terminations may be considered in making future proposer responsibility determinations
13. The concessionaire will be required to indemnify the City for losses associated with the concessionaire's actions under the Permit, pursuant to a provision to be included in the Permit.

III. REQUEST FOR PROPOSALS PROCESS/PROPOSAL PROCEDURE

A. PROPOSAL SUBMISSION INSTRUCTIONS

The proposal should be typed on both sides of 8½" X 11" paper. Pages should be paginated. The City of New York requests that all proposals be submitted on paper with no less than 30% post-consumer material content, i.e., the minimum recovered fiber content level for reprographic papers recommended by the United States Environmental Protection Agency (for any changes to that standard please consult: <http://www.epa.gov/cpg/products/printing.htm>). The proposer should state whether its response is printed on recycled paper containing the minimum percentage of recovered fiber content as requested by the City in these instructions. Failure to comply with any of the instructions set forth in this paragraph

will not be considered non-responsive.

No proposals should be submitted in plastic sleeves or spiral binders. Illustrations may be included. All plans are subject to Parks' written approval. Oversized drawings may be submitted, but must be accompanied by 8½" x 11" sectionals or reductions to 8½" x 11". No telegraphic or facsimile proposals will be accepted. The proposal will be evaluated on the basis of its content, not length.

Please submit four (4) copies of your proposal (including four copies of all required attachments).

The following information should be printed on the outside of the envelope:

- Proposer's Name and Address
- Solicitation #Q99-2-O
- Proposal Due Date: Thursday, November 19, 2009 at 3pm

B. PROPOSAL SUBMISSION REQUIREMENTS

Each proposal submitted must meet the following requirements. Failure to comply will result in the automatic disqualification of a submission from further consideration.

1. All proposers must submit a proposal that includes a fee offer for each operating season.
2. All proposers are required to submit as a proposal deposit a **certified bank check, official bank check, or cashier's check in the amount of \$2,000** with the proposal (payable to NYC Parks & Recreation). Personal or business checks will not be accepted. In the event of the failure of a successful proposer to execute a Permit in accordance with the terms of its proposal, the deposit shall be retained by the City unless the proposal has been permitted to be withdrawn. Proposal deposits will be returned to unsuccessful proposers after the Permit is signed with the successful proposer.
3. All proposals must be submitted in a sealed envelope and received in the office of the Assistant Commissioner for Revenue & Marketing, City of New York Parks & Recreation, The Arsenal-Central Park, 830 Fifth Avenue, Room 403, New York, New York 10065.
4. All proposals must be received by Thursday, November 19, 2009 at 3pm. Hand delivery to Room 407 before the deadline is recommended to ensure consideration of your proposals. Proposals and modifications received after the time and date listed above will be considered late, will be returned to the proposer unopened and will not be considered for award, except as provided for in Section 1-13(j)(2) of the Concession Rules.
5. Pursuant to Local Law 34 of 2007, amending the City's Campaign Finance Law, the City is required to establish a computerized database containing the names of any "person" that has "business dealings with the city" as such terms are defined in the Local Law. In order for the City to obtain necessary information to establish the required database, proposers responding to this solicitation are required to complete the attached Doing Business Data Form and return it with this proposal and should do so in a separate envelope. (If the responding proposer is a proposed joint venture, the entities that comprise the proposed joint venture must each complete a Data Form.) If the City determines that a proposer has failed to submit a Data Form or has submitted a Data Form that is not complete, the proposer will be notified by the agency and will be given four (4) calendar days from receipt of notification to cure the specified deficiencies and return a complete Data Form to the agency. Failure to do so will result

in a determination that the proposal is non-responsive. Receipt of notification is defined as the day notice is e-mailed or faxed (if the proposer has provided an e-mail address or fax number), or no later than five (5) days from the date of mailing or upon delivery, if delivered.

C. PROPOSAL CONTENT GUIDELINES

Each proposal is expected to include the following:

1. Fee Offer

- The fee offer should state the highest sum each proposer is prepared to pay as a Permit fee, expressed as guaranteed seasonal minimum fee versus a percentage of gross receipts, whichever is greater. The City urges that there be an escalation of at least five percent (5%) per season (compounded annually) in the guaranteed minimum fee over the Permit term.

2. Operating Experience

- Proposers should submit a résumé and/or detailed description of the proposer's professional qualifications, demonstrating extensive experience in the industry, including any work with City agencies, and/or access to individuals and/or firms with such expertise. Include the names and addresses of all corporate officers of the entity submitting the proposal.
- Proposers should attach a list of at least three (3) recent relevant references, with whom the proposer has previously worked and/or who can describe such matters as the proposer's financial, operational and construction capability. Include the name of the reference entity, a description of the nature of the listed reference's experience with the proposer and the name, title, address, and telephone number of a contact person at the reference entity.

3. Planned Operations

- Proposers should submit a detailed operational plan for the entire Permitted Premises including, but not limited to, hours of operation, proposed equipment and design, a detailed list of all proposed fees and prices, services to be provided, safety and security plans, staffing plans, programming plans, mechanisms to measure customer satisfaction, any plans to use "Green Seal" or other environmentally friendly products or devices, plans regarding community relations, and plans and schedules for maintenance, delivery, rubbish removal, and cleaning. All plans, schedules, services, rental items, prices and fees, and hours of operation are subject to Parks' prior, written approval.
- Proposers should include a comprehensive pro-forma income and expense projection for each season of operation. This pro-forma projection should include explanations for all the assumptions used in its formulation.
- Proposers should submit an estimated number of employees and the positions those employees will fill.
- Parks is charged with improving customer satisfaction with the services provided at facilities on parkland. Therefore, Parks would like proposers to explain in their submissions the mechanisms they would use to measure customer satisfaction with the services offered by this concession. Such mechanisms might include customer evaluations or survey forms. Further, Parks would like proposers to explain how they would improve the quality of services offered if the above mechanisms indicate a need to do so.

- Parks will view favorably those proposals which demonstrate the intent to employ environmentally friendly practices in the operation of the concession.

4. Financial Capability

- Proposers should include a financial statement or statements prepared in accordance with standard accounting procedures. Financial statements should include, but are not limited to, annual income and net worth (assets and liabilities), including a breakdown of liquid and non-liquid assets. Proposers should include supporting documentation of their financial worth including, but not limited to, Certified Financial Statements, Balance Sheets and Income Statements and tax returns from the past three (3) years (corporate and/or personal).
- Proposers should identify the intended source of all funds proposed to be invested in the concession.

IV. EVALUATION AND SELECTION PROCEDURES

Proposals will be evaluated by a selection committee consisting of Parks employees, in accordance with procedures established by the Franchise and Concession Review Committee, based on the criteria listed below. The concession will be awarded to the proposer whose submission the selection committee judges best overall based on these criteria.

A. PROPOSAL EVALUATION CRITERIA

In evaluating proposals, Parks will use the following criteria:

- Fee offer (30%); see Section III(C)(1) above.
- Operating experience (25%); See section III(C)(2) above.
- Planned operations (25%); See section III(C)(3) above.
- Financial capability (20%); See section III(C)(4) above.

B. EVALUATION PROCEDURES

Parks will only consider proposals that meet satisfactory levels of the above criteria. The City is not required to accept the proposal that includes the highest fee offer. Parks' acceptance of a proposal does not imply that every element of that proposal has been accepted.

Parks cannot consider any proposal that does not comply with the Submission Requirements' section of this RFP. Proposals that do not meet these requirements will not be evaluated.

When feasible, employees of Parks will visit facilities operated by proposers.

V. OTHER GENERAL RFP REQUIREMENTS AND CONDITIONS

Park reserves the right to postpone or cancel this RFP or reject all proposals, if in its judgment it deems it to be in the best interest of the City of New York to do so.

Proposers are advised that Parks has the option of selecting the proposer without conducting discussions or negotiations. Therefore, proposers should submit their best proposals initially, since discussions or negotiations may not take place.

Proposers are also advised that the concession award is subject to applicable provisions of Federal, State, and local laws and executive orders requiring affirmative action and equal employment opportunity.

Proposers have the right to appeal a determination of non-responsiveness and/or non-responsibility and have the right to protest a solicitation and award as specified in Chapter 1 of Title 12 of the Rules of the City of New York.

All Requests for Proposals submission materials become the property of the City of New York and Parks. Proposal submission material will generally be made available for inspection and copying by interested parties upon written request, except when exempted from disclosure under the New York State Freedom of Information Law.

Parks is subject to the New York State Freedom of Information Law, which governs the process for the public disclosure of certain records maintained by Parks. (*See Public Officers Law, Sections 87 and 89.*) Individuals or firms that submit proposals to Parks may request that Parks except all or part of such a proposal from public disclosure, on the grounds that the proposal contains trade secrets, proprietary information, or that the information, if disclosed, would cause substantial injury to the competitive position of the individual or firm submitting the information. Such exception may extend to information contained in the request itself, if public disclosure would defeat the purpose for which the exception is sought. The request for such an exception must be in writing and state, in detail, the specific reasons for the requested exception. It must also specify the proposal or portions thereof for which the exception is requested.

If Parks grants the request for exception from disclosure, Parks shall keep such proposal or portions thereof in secure facilities.

Parks shall not be liable for any costs incurred by proposers in the preparation of proposals or for any work performed in connection therein.

Proposers should be aware that this concession will be developed and operated pursuant to a Permit issued by Parks.

A proposer may submit a modified proposal to replace all or any portion of a proposal submitted up until the proposal submission deadline. Parks will only consider the latest version of the proposal. Late proposals and late modifications will not be considered for evaluation, except as provided for in Section 1-13(j)(2)(i) of the Concession Rules. Proposers may withdraw their proposals from consideration at any time before the proposal submission deadline by submitting written notice to Parks. A proposer may not withdraw its proposal before the expiration of forty-five (45) calendar days after the date of the opening of proposals; thereafter a proposer may only withdraw its proposal by submitting written notice to Parks in advance of an actual grant of a concession.

Technical addenda issued by Parks will be the only authorized method for communicating clarifying information to all potential proposers. Proposers should contact the agency before submitting a proposal to verify that they have received any addenda issued. Proposers shall acknowledge the receipt of any addenda in their proposal submissions.

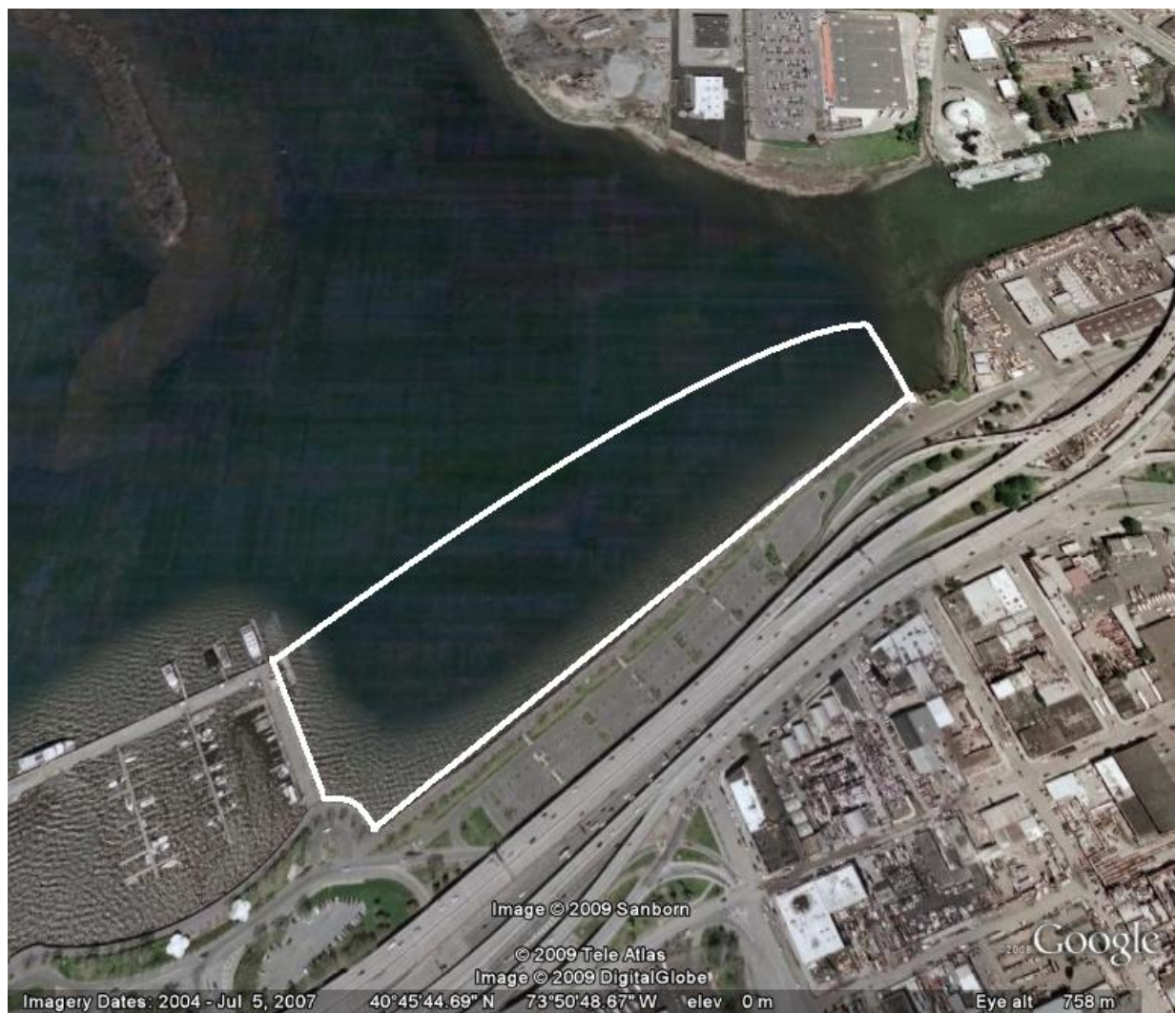
Proposers should be aware that, upon Parks' request, they shall be required to submit original copies of VENDEX Vendor and Principal Questionnaires to the Mayor's Office of Contract Services. In addition, any person or entity with at least a 10% ownership interest in the submitting vendor (including a parent company), is responsible for completing VENDEX Questionnaires. In such event, the concession award

will be subject to completion of the VENDEX questionnaires and review of that information by the Department of Investigation.

The New York City Comptroller is charged with the audit of concession agreements in New York City. Any person or entity that believes that there has been unfairness, favoritism or impropriety in the proposal process should inform the Comptroller's Office of Contract Administration, 1 Centre Street, Room 835, New York, New York 10007. This office may be reached at (212) 669-2323.

Adrian Benepe,
Commissioner

APPENDIX A: PERMITTED BOATING AREA





Doing Business Data Form

To be completed by the City Agency prior to distribution	
Agency: _____	Transaction ID: _____
Check One: ☐ Proposal ☐ Award	Transaction Type (check one): ☐ Concession ☐ Contract ☐ Economic Development Agreement ☐ Franchise ☐ Grant ☐ Pension Investment Contract

Any entity receiving, applying for or proposing on an award or agreement must complete a Doing Business Data Form (see Q&A sheet for more information). Please either type responses directly into this fillable form or print answers by hand in black ink, and be sure to fill out the certification box on the last page. **Submission of a complete and accurate form is required for a proposal to be considered responsive or for any entity to receive an award or enter into an agreement.**

This Data Form requires information to be provided on principal officers, owners and senior managers. The name, employer and title of each person identified on the Data Form will be included in a public database of people who do business with the City of New York; no other information reported on this form will be disclosed to the public. **This Data Form is not related to the City's VENDEX requirements.**

Please return the completed Data Form to the City Agency that supplied it. Please contact the Doing Business Accountability Project at DoingBusiness@cityhall.nyc.gov or 212-788-8104 with any questions regarding this Data Form. Thank you for your cooperation.

Section 1: Entity Information

Entity Name: _____

Entity EIN/TIN: _____

Entity Filing Status (select one):

- ☐ Entity has never completed a Doing Business Data Form. *Fill out the entire form.*
- ☐ Change from previous Data Form dated _____. *Fill out only those sections that have changed, and indicate the name of the persons who no longer hold positions with the entity.*
- ☐ No Change from previous Data Form dated _____. *Skip to the bottom of the last page.*

Entity is a Non-Profit: ☐ Yes ☐ No

Entity Type: ☐ Corporation (any type) ☐ Joint Venture ☐ LLC ☐ Partnership (any type)
 ☐ Sole Proprietor ☐ Other (specify): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone : _____ Fax : _____

E-mail: _____

Provide your e-mail address and/or fax number in order to receive notices regarding this form by e-mail or fax.

Section 2: Principal Officers

Please fill in the required identification information for each officer listed below. If the entity has no such officer or its equivalent, please check "This position does not exist." If the entity is filing a Change Form and the person listed is replacing someone who was previously disclosed, please check "This person replaced..." and fill in the name of the person being replaced so his/her name can be removed from the *Doing Business Database*, and indicate the date that the change became effective.

Chief Executive Officer (CEO) or equivalent officer☐ This position does not exist

The highest ranking officer or manager, such as the President, Executive Director, Sole Proprietor or Chairperson of the Board.

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

Birth Date (mm/dd/yy): _____ Home Phone #: _____

Home Address: _____

☐ This person replaced former CEO: _____ on date: _____

Chief Financial Officer (CFO) or equivalent officer☐ This position does not exist

The highest ranking financial officer, such as the Treasurer, Comptroller, Financial Director or VP for Finance.

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

Birth Date (mm/dd/yy): _____ Home Phone #: _____

Home Address: _____

☐ This person replaced former CFO: _____ on date: _____

Chief Operating Officer (COO) or equivalent officer☐ This position does not exist

The highest ranking operational officer, such as the Chief Planning Officer, Director of Operations or VP for Operations.

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

Birth Date (mm/dd/yy): _____ Home Phone #: _____

Home Address: _____

☐ This person replaced former COO: _____ on date: _____

Section 3: Principal Owners

Please fill in the required identification information for all individuals who, through stock shares, partnership agreements or other means, **own or control 10% or more of the entity**. If no individual owners exist, please check the appropriate box to indicate why and skip to the next page. If the entity is owned by other companies, those companies do **not** need to be listed. If an owner was identified on the previous page, fill in his/her name and write "See above." If the entity is filing a Change Form, list any individuals who are no longer owners at the bottom of this page. If more space is needed, attach additional pages labeled "Additional Owners."

There are no owners listed because (select one):

- ☐ The entity is not-for-profit ☐ There are no individual owners ☐ No individual owner holds 10% or more shares in the entity
☐ Other (explain): _____

Principal Owners (who own or control 10% or more of the entity):

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

Birth Date (mm/dd/yy): _____ Home Phone #: _____

Home Address: _____

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

Birth Date (mm/dd/yy): _____ Home Phone #: _____

Home Address: _____

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

Birth Date (mm/dd/yy): _____ Home Phone #: _____

Home Address: _____

Remove the following previously-reported Principal Owners:

Name: _____ Removal Date: _____

Name: _____ Removal Date: _____

Name: _____ Removal Date: _____

Section 4: Senior Managers

Please fill in the required identification information for all senior managers who oversee any of the entity's relevant transactions with the City (e.g., contract managers if this form is for a contract award/proposal, grant managers if for a grant, etc.). Senior managers include anyone who, either by title or duties, has substantial discretion and high-level oversight regarding the solicitation, letting or administration of any transaction with the City. **At least one senior manager must be listed, or the Data Form will be considered incomplete.** If a senior manager has been identified on a previous page, fill in his/her name and write "See above." If the entity is filing a Change Form, list individuals who are no longer senior managers at the bottom of this section. If more space is needed, attach additional pages labeled "Additional Senior Managers."

Senior Managers:

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

Birth Date (mm/dd/yy): _____ Home Phone #: _____

Home Address: _____

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

Birth Date (mm/dd/yy): _____ Home Phone #: _____

Home Address: _____

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

Birth Date (mm/dd/yy): _____ Home Phone #: _____

Home Address: _____

Remove the following previously-reported Senior Managers:

Name: _____ Removal Date: _____

Name: _____ Removal Date: _____

Certification

I certify that the information submitted on these four pages and _____ additional pages is accurate and complete. I understand that willful or fraudulent submission of a materially false statement may result in the entity being found non-responsible and therefore denied future City awards.

Name: _____

Signature: _____ Date: _____

Entity Name: _____

Title: _____ Work Phone #: _____

Return the completed Data Form to the agency that supplied it.

For information or assistance, call the Doing Business Accountability Project at 212-788-8104.



DOING BUSINESS ACCOUNTABILITY PROJECT
QUESTIONS AND ANSWERS ABOUT THE DOING BUSINESS DATA FORM

What is the purpose of this *Data Form*?

To collect accurate, up-to-date identification information about entities that have business dealings with the City of New York in order to comply with Local Law 34 of 2007 (LL 34), the recently passed campaign finance reform law. LL 34 limits municipal campaign contributions from principal officers, owners and senior managers of these entities and mandates the creation of a *Doing Business Database* to allow the City to enforce the law. The information requested in this *Data Form* must be provided, regardless of whether the entity or the people associated with it make or intend to make campaign contributions. No sensitive personal information collected will be disclosed to the public.

Why have I received this *Data Form*?

The contract, franchise, concession, grant or economic development agreement you are proposing on, applying for or have already been awarded is considered a business dealing with the City under LL 34. No proposal or application will be considered and no award will be made unless this *Data Form* is completed. Most transactions valued at more than \$5,000 are considered business dealings and require completion of the *Data Form*. Exceptions include transactions awarded on an emergency basis or by publicly advertised, non-pre-qualified competitive sealed bid. Other types of transactions that are considered business dealings include real property and land use actions with the City.

What entities will be included in the *Doing Business Database*?

Entities that hold \$100,000 or more in grants, contracts for goods or services, franchises or concessions (\$500,000 or more for construction contracts), along with entities that hold any economic development agreements or pension fund investment contracts, are considered to be doing business with the City for the purposes of LL 34 and will be included in the *Doing Business Database*. Because all of the business that an entity does or proposes to do with the City will be added together, the *Data Form* must be completed for all covered transactions even if an entity does not currently do enough business with the City to be listed in the *Database*.

What individuals will be included in the *Doing Business Database*?

The principal officers, owners and certain senior managers of entities listed in the *Doing Business Database* are themselves considered to be doing business with the City and will also be included in the *Database*.

- **Principal Officers** are the Chief Executive Officer (CEO), Chief Financial Officer (CFO) and Chief Operating Officer (COO), or their functional equivalents. See the *Data Form* for examples of titles that apply.
- **Principal Owners** are individuals who own or control 10% or more of the entity. This includes stockholders, partners and anyone else with an ownership or controlling interest in the entity.
- **Senior Managers** include anyone who, either by job title or actual duties, has substantial discretion and high-level oversight regarding the solicitation, letting or administration of any contract, concession, franchise, grant or economic development agreement with the City. At least one Senior Manager must be listed or the *Data Form* will be considered incomplete.

I provided some of this information on the VENDEX Questionnaire; do I have to provide it again?

Although the *Doing Business Data Form* and the VENDEX Questionnaire request some of the same information, they serve entirely different purposes. In addition, the *Data Form* requests information concerning senior managers, which is not part of the VENDEX Questionnaire.

My organization is proposing on a contract with another firm as a Joint Venture that does not exist yet; how should the *Data Form* be completed?

A joint venture that does not yet exist must submit *Data Forms* from each of its component firms. If the joint venture receives the award, it must then complete a form in the name of the joint venture.



Will the information on this *Data Form* be available to the public?

The names and titles of the officers, owners and senior managers reported on the *Data Form* will be made available to the public, as will information about the entity itself. However, personal identifying information, such as home address, home phone and date of birth, will not be disclosed to the public, and home address and phone number information will not be used for communication purposes.

No one in my organization plans to contribute to a candidate; do I have to fill out this *Data Form*?

Yes. All entities are required to return this *Data Form* with complete and accurate information, regardless of the history or intention of the entity or its officers, owners or senior managers to make campaign contributions. The *Doing Business Database* must be complete so that the Campaign Finance Board can verify whether future contributions are in compliance with the law.

I have already completed a *Doing Business Data Form*; do I have to submit another one?

Yes. An entity is required to submit a *Doing Business Data Form* each time it proposes on or enters a transaction considered business dealings with the City. However, the *Data Form* has both a No Change option, which only requires an entity to report its EIN and sign the last page, and a Change option, which allows an entity to only fill in applicable information that has changed since the previous completion of the *Data Form*. No entity should have to fill out the entire *Data Form* more than once.

How does a person remove him/herself from the *Doing Business Database*?

Any person who believes that s/he should not be listed may apply for removal from the *Database* by submitting a Request for Removal. Reasons that a person would be removed include his/her no longer being the principal officer, owner or senior manager of the entity, or the entity no longer being in business. Entities may also update their database information by submitting an update form. Both of these forms are available online at www.nyc.gov/mocs (once there, click MOCS Programs) or by calling 212-788-8104.

How long will an entity and its officers, owners and senior managers remain listed on the *Doing Business Database*?

- **Contract, Concession and Economic Development Agreement holders:** generally for the term of the transaction, plus one year.
- **Franchise and Grant holders:** from the commencement or renewal of the transaction, plus one year.
- **Pension investment contracts:** from the time of presentation on an investment opportunity or the submission of a proposal, whichever is earlier, until the end of the contract, plus one year.
- **Line item and discretionary appropriations:** from the date of budget adoption until the end of the contract, plus one year.
- **Contract proposers:** for one year from the proposal date or date of public advertisement of the solicitation, whichever is later.
- **Franchise and Concession proposers:** for one year from the proposal submission date.

For information on other transaction types, contact the Doing Business Accountability Project.

What are the new campaign contribution limits for people doing business with the City?

Contributions to City Council candidates are limited to \$250 per election cycle; \$320 to Borough President candidates; and \$400 to candidates for citywide office. Please contact the NYC Campaign Finance Board for more information at www.nycfb.info, or 212-306-7100.

The *Data Form* is to be returned to the contracting agency.

If you have any questions about the *Data Form* please contact the Doing Business Accountability Project at 212-788-8104 or DoingBusiness@cityhall.nyc.gov.