

SOLICITATION# M89-SB



REQUEST FOR PROPOSALS

**FOR THE OPERATION AND MAINTENANCE OF A SEASONAL CAFÉ AT THE
UNION SQUARE PARK PAVILION, WITH AN OPTION TO DEVELOP, OPERATE
AND MAINTAIN A SATELLITE KIOSK**

UNION SQUARE PARK

MANHATTAN



**ISSUE DATE:
MAY 18, 2010**

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

www.nyc.gov/parks

REQUEST FOR PROPOSALS (RFP)

The City of New York Department of Parks & Recreation (Parks) requests proposals for the operation and maintenance of a seasonal café (café) at the Union Square Park Pavilion, with an option to develop, operate and maintain a small scale, year-round satellite kiosk (kiosk) in Union Square Park, Manhattan (Licensed Premises). Proposers may include plans for an outdoor seating area in the North Plaza (see Section II.A., “*Visual Schematic/Table & Chair Design*” for additional information on the outdoor seating area). Take-out service for park patrons must be a part of the food service at the café. Parks will view favorably proposals that to the greatest extent possible use produce from the Greenmarket and farmers/providers associated with the Greenmarket. Parks will also view favorably proposals that incorporate plans for community programming and activities during the café’s operating season.

THE TERM

Parks is seeking a concessionaire for one (1) fifteen-year term. No longer term will be considered. The concessionaire may only operate the café during the operating season and for no more than a maximum of six (6) months. For the purposes of this RFP, each operating season in the License term commences May 1st and terminates on October 31st. If proposed, the concessionaire may operate the kiosk year-round. This concession will be operated pursuant to a License issued by Parks; no leasehold or other proprietary right is offered.

PROJECT MANAGER

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

Phone: (212) 360-1397
Email: alexander.han@parks.nyc.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 212-504-4115.

RFP TIMETABLE

The following schedule has been established for this RFP:

RFP Release Date:	Tuesday, May 18, 2010
Recommended Proposer Meeting:	Friday, June 4, 2010 at 11:00 am
Proposals Due:	Thursday, July 15, 2010 at 3:00 pm



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 TOURS

There will be a recommended proposer meeting on **Friday, June 4, 2010 at 11:00 am**. We will be meeting in the Arsenal Gallery, which is located on the 3rd floor of 830 5th Avenue, in Central Park, Manhattan. If you are considering responding to this RFP, please make every effort to attend this recommended meeting. Parks will arrange site tours with potential proposers by appointment.

I. PROJECT BACKGROUND

A. HISTORIC BACKGROUND: UNION SQUARE PARK

Opened in 1839 and redesigned in 1872 by Frederick Law Olmsted and Calvert Vaux to accommodate mass congregations of New Yorkers, Union Square Park has served as home base for countless community events and festivals, from the first Labor Day parade in 1882, to workers' rallies in the 1930s, to the first Earth Day celebration in 1970, to the current and extremely popular Greenmarket. This former burial ground has seamlessly transitioned from a town square to a bustling city park, and as such, it is the deserved home of statues depicting distinguished individuals like George Washington, Abraham Lincoln, Mohandas Gandhi, and Marquis de Lafayette.

For nearly 170 years, Union Square Park has been a gathering place for commerce, entertainment, labor and political events, and recreation. The park owes its name to its location at the intersection—or union—of two major roads in New York City, Bloomingdale Road (now Broadway) and Bowery Road (now Fourth Avenue). The grounds of Union Square Park have frequently served as a choice location for public meetings, including parades, labor protests, political rallies, and official celebrations such as the Great Metropolitan Fair of the U.S. Sanitary Commission in 1864. During the 19th century, a wholesale flower market operated in the park.

Between 1928-1929 Union Square Park was completely demolished to accommodate a new underground concourse for the subway. Alterations made in the 1920s and 1930s included the straightening of park paths, the construction of a colonnaded pavilion, and the dedication of the Independence Flagstaff (or “Charles F. Murphy Memorial”), which was sculpted by Anthony de Francisci in 1926.

Since 1976, the Union Square Greenmarket has served as a local landmark, offering a cornucopia of fresh food and plants four (4) days a week, on the north side of the park, where a flower market first flourished over a century ago.

In 1985, several major renovations including the creation of a new plaza at the south end of the park, the relocation of paths to make the park more accessible, the installation of new lighting and two subway kiosks, and the planting of a central lawn were completed.

Between 1993 and 1994, two new playgrounds were constructed. From 1994 to 2007, a popular seasonal restaurant, Luna Park Café, operated in the area south of the pavilion, which is now occupied by a new playground.

In 1997, the United States Department of the Interior designated Union Square Park as a National Historic Landmark because of its significance in American labor history.

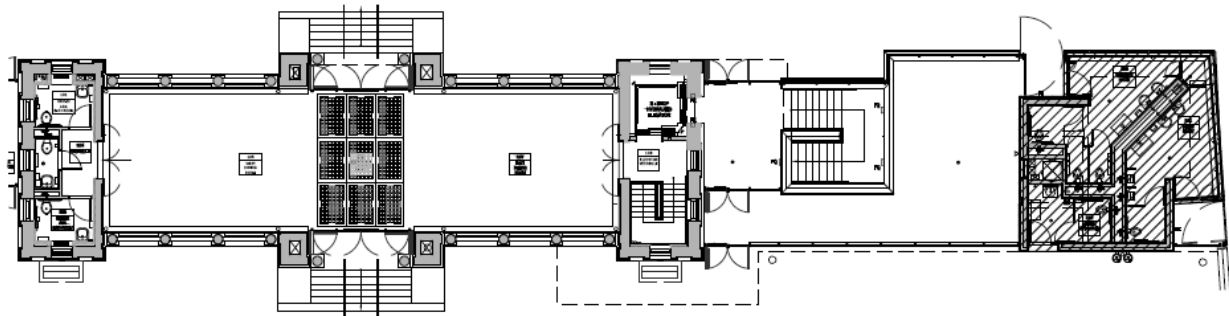
In 2001, a four-phase renovation of Union Square Park commenced. Phase I improved the interior walkways, fencing and South plaza and Phases II & III improved Union Square East Triangle and the Gandhi Triangle Plaza at Union Square West. The reconstruction of Union Square Park North, including the pavilion, plaza and playground, represents the fourth and final phase of Parks' capital program for this important park and is scheduled for completion by the spring of 2010.

B. EXISTING CONDITIONS

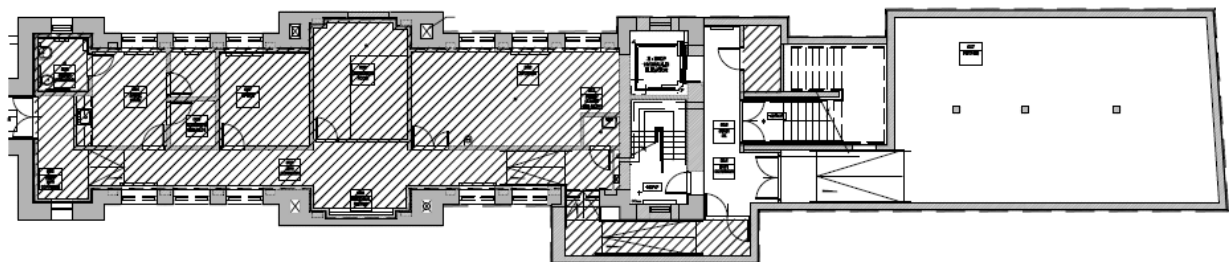
Union Square Park has undergone a complete renovation, slated to be completed in 2010. To accommodate the changing needs of the community, a large, state-of-the-art playground has been built and is now open, tripling the size of the previous play areas. The adjacent pavilion has been restored, and is largely available for use as a seasonal food concession and as a space for community activities. A new comfort station at the east side of the pavilion will serve plaza patrons and playground users. A screened maintenance compound will be located between the comfort station and pavilion. The RFP does not include most of the pavilion's basement because it will be occupied and used by Parks Department staff.

Greenmarket, a program of the Council on the Environment of New York City, has been a fixture in the north plaza of Union Square Park since 1976. Greenmarket promotes regional agriculture and ensures a continuing supply of fresh, local produce for New Yorkers. Greenmarket supports farmers and preserves farmland for the future by providing regional small family farmers with opportunities to sell their fruits, vegetables and other farm products to New Yorkers. Parks looks to further the successful relationship between the Greenmarket and its flagship site, Union Square Park, by encouraging proposers to use produce from the Greenmarket and farmers/providers associated with the Greenmarket to the greatest extent possible.

A seasonal outdoor café operated in the plaza on the south side of the pavilion from 1994 to 2007 and utilized a portion of the pavilion's basement for part of its kitchen. This plaza area has now been incorporated into the new playground. Parks is seeking a concessionaire to operate a seasonal café in the restored pavilion and North Plaza and a satellite kiosk (if proposed).



1 GROUND FLOOR PLAN
1/16"=1'-0"



2 BASEMENT FLOOR PLAN
1/16"=1'-0"

UNION SQUARE NORTH CONCESSION SPACES



Outdoor Café Space

The outdoor café space at the Licensed Premises is located within the Union Square Park pavilion and would consist of areas described as a “Main Level Café Area” (Café Area) and a “Basement Level Kitchen Area” (Kitchen Area). Both the Café Area and the Kitchen Area are described in more detail directly below.

Café Area

The Café Area is located on the main level of the Pavilion and is accessible by new granite stairs and/or an elevator at the plaza level. The elevator services both the Café Area and the Kitchen Area. The renovated Café Area comprises 1,584 square feet of space, measuring approximately seventy-two feet by twenty-two feet (72' x 22'). The Café Area will have direct and indirect lighting, an illuminated glass block entry at the center stairs, and service stub outs for water, drainage and electricity in the floor area where potential service may be located. Existing junction box locations in each ceiling coffer have been re-wired and are available for future pendant or chandelier lighting by the concessionaire. All interior surfaces are being refurbished, and the floor finish is polished concrete. Proposers may include plans for an outdoor seating area in the North Plaza. The North Plaza is the area north of the pavilion structure to the Siberian Elm tree, approximately seventeen feet (17') from the face of the Pavilion (see Section II.A., “*Visual Schematic/Table & Chair Design*,” for additional information on the outdoor seating area).

Kitchen Area

The Kitchen Area is located on the basement level of the pavilion and is accessible by elevator or by two (2) sets of stairs. The Kitchen Area comprises 1150 square feet of space, measuring approximately twenty-five feet nine inches by forty-four feet eight inches (25'-9" x 44'-8"). There is also an entry vestibule measuring approximately fifteen feet seven inches by seven feet (15'-7" x 7').

A box out that is available for a future stove-vent system is located in the center of the Kitchen Area's ceiling. The stove vent is located on top of the new comfort station. This potential vent location has been approved by the Public Design Commission. The successful proposer will be required to supply and install the fan vent on the comfort station as well as all necessary appliances in the Kitchen Area.

The Kitchen Area is protected with fire sprinklers and fluorescent lighting fixtures have been installed. In addition, the walls of the kitchen space have a cast concrete finish and the floor is polished concrete. There are adequate floor drains and an under-slab drainage sump pit and pump. Additionally, there are two drainage connections penetrating the wall to the north. All sewage in the building is gravity fed.

II. PROJECT COMPONENTS

A. OVERVIEW

Parks is seeking proposals for the operation and maintenance of a seasonal café at the Union Square Park Pavilion, with an option to develop, operate and maintain a small scale, satellite kiosk at the Licensed Premises. Each operating season in the License term shall commence on or about May 1st and terminate on or about October 31st. If proposed, the concessionaire may operate the kiosk year-round. The operation of this concession is intended to be of a high quality in terms of both design and menu content. Parks is seeking a concessionaire who will operate and maintain the Licensed Premises at the highest standards, making a significant improvement to the quality and ambience of the park. The Café Area shall be available for non-concession public use at the end of each operating season until the start of the subsequent operating season.

Operational Plan

Proposers should submit a detailed operational plan for the entire Licensed Premises. This plan should include, but is not limited to, hours of operation, services to be provided, a detailed list of all proposed prices and rates, any plans to install energy efficient appliances that have the Energy Star seal of approval and/or water conserving appliances, and any plans to use “Green Seal” or other environmentally friendly products or devices. Operational plans should also include safety, security, staffing, maintenance, rubbish removal, horticultural, and cleaning plans and/or schedules. All plans, schedules, services, prices and rates, and hours of operation are subject to Parks’ prior, written approval. Proposers should detail any community programming and activities that they intend to provide during the operating season, as Parks will view favorably proposals that incorporate such plans.

Menu

The food and service provided must be of high quality, yet affordable. Proposals should include a menu that incorporates low-cost food items. Parks encourages proposers to include healthy food alternatives, such as salads, fresh fruit, vegetables, juices and smoothies. Parks will also view favorably proposals that incorporate a separate children’s or family-themed menu. All menu items and prices are subject to Parks’ prior, written approval.

The concessionaire will be required to maintain adequate inventory to assure a constant supply of food and beverages. Take-out service for park patrons must be a part of the food service at the café. Any staff assigned by the concessionaire to sell food and beverages to the public must possess all Federal, State, and City authorizations. In addition, the concessionaire will be required to possess and display at all times appropriate New York City Department of Health and Mental Hygiene (DOHMH) permits.

DOHMH Information

In addition to a Parks’ license, at all times that the concession is operating, a staff person with a valid DOHMH food handler’s license must be present. To obtain a DOHMH license, contact the New York City Licensing Department, 42 Broadway, 5th floor, Monday through Friday 8:30am to 5:00pm, or by phone at 212-487-4436. Vendors should be aware that if they are applying for a DOHMH license for the first time, this process can take between six and eight weeks. Vendors operating without all necessary permits may be subject to fines and/or confiscation of merchandise and vending unit(s).

Alcoholic Beverages

Alcoholic beverages may be served to complement the food service, provided that the concessionaire obtains the appropriate license(s) from the State Liquor Authority (SLA). Alcoholic beverages may be served in the Café Area. If an outdoor seating area is proposed for the North Plaza, such area must be open to the general public, as well as to concession patrons, except that alcoholic beverages may be served in a cordoned-off portion of the outdoor seating area, the exact size and location of which is subject to Parks’ prior written approval. All alcoholic beverages must be consumed within these designated area located on the Licensed

Premises. All efforts must be made to keep alcohol consumption discreet. The concessionaire must keep in mind that this is a public park and the consumption of alcohol should be an accompaniment to the cuisine. No alcoholic beverages may be served from the kiosk, if proposed.

Greenmarket Participation

Given the important presence of the Greenmarket at Union Square Park, which currently operates four days/week, Parks will view favorably proposals that include plans to involve the Greenmarket and farmers/providers associated with the Greenmarket in the menu – e.g., as a source of food items to be sold through the concession, and/or ingredients for such food items – and in associated community programming. The manner and scope of such involvement, if proposed, shall be subject to Parks' prior written approval.

Community Relations

Parks will view favorably proposals that demonstrate an awareness of the role of the concession as an integral part of the park and the surrounding community. Parks will view favorably proposals that show a commitment to cooperate with and support park administrators, park patrons, and the community.

Optional Year-Round Satellite Kiosk

Parks encourages proposers to include plans for the development (including design), operation and maintenance of a year-round food kiosk. Parks has identified a location for the satellite kiosk, which is located to the west of the pavilion, and adjacent to the subway entrance along 17th Street, at the site of a former newsstand. This area measures approximately twelve-feet seven inches by seven-feet (12'-7" x 7'), and equals 88 square feet of space. Parks has provided stub outs in the paving for access to drainage, a one-inch (1") gas line, electric and water utilities at the site. Items that may be sold at the kiosk may include, but are not limited to, food items such as salads and pre-made sandwiches. Coffee, tea, hot chocolate, snacks, beverages and newspapers and magazines may also be sold. The sale of alcoholic beverages, CDs, DVDs, and audio and videocassettes will be strictly prohibited. The manner of display and organization of the kiosk must be approved by Parks.

The concessionaire will be responsible for all costs associated with the development of the kiosk. The exact location of the kiosk is subject to Parks' prior written approval. The design of the kiosk should complement the other structures in the park. The design and construction of the kiosk requires prior written approval from Parks, the Public Design Commission of the City of New York, NYC Department of Buildings, and/or any other agency having jurisdiction. The menu and prices of items sold at the kiosk are also subject to Parks' prior written approval.

Visual Schematic/Table & Chair Design

All proposers should include a general visual schematic of the proposed lay-out for table and chair sets. During the operating season, the concessionaire must provide seating in the Café Area, and may place attractive tables, chairs and umbrellas in the North Plaza. If an outdoor seating area is proposed for the North Plaza such area must be open to the general public, as well as to concession patrons, except that alcoholic beverages may be provided in a cordoned-off portion of the outdoor seating area, the exact size and location of which is subject to Parks' prior written approval. In addition, the number, design and location of tables, chairs and umbrellas are subject to Parks' prior written approval.

Hours and Days of Operation

The concessionaire may only operate the café during the operating season (defined above) of each year in the License term and for no more than a maximum of six (6) months each year. If proposed, the concessionaire may operate the satellite year-round. The concessionaire may only operate the Licensed Premises when the park is open. All hours and days of operation must be approved in advance by Parks. The public restrooms located on the main floor of the Pavilion must remain open to the public at all times that the café is open during the operating season.

Prices & Rates

All rates and prices are subject to the prior, written approval of Parks.

Storage

The concessionaire shall not store any equipment or supplies in the Café Area or North Plaza during the off-season without the prior, written approval of Parks. No item shall be placed upon any open public space, including the ground adjacent to the Licensed Premises without Parks' prior, written approval. The concessionaire will be required to store all outdoor equipment on a nightly basis and any time the concession is closed. The Kitchen Area may be used for storage during the non-operating season (approximately November 1 through April 30). The optional kiosk, if proposed, may also be used for additional storage when the concession is closed.

Signage and Advertising

The concessionaire will be required to prominently display signage at the Licensed Premises listing all prices, rates, and hours and days of operation. The design and placement of all signage is subject to Parks' prior written approval.

The concessionaire will be prohibited from placing or permitting the placement of advertisements in the Licensed 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, 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 Licensee upon notice from Parks. In addition, the advertising of product brands is prohibited without Parks' prior written approval. Any and all signage is subject to Parks' written approval.

Naming of the Concession

Proposers should be aware that Parks may require that the City own the portion of any new name selected by the successful proposer for the Premises that indicates Parks property or a preexisting facility name. The City will not own any portion of a new name that consists of the name, portrait or signature of a living or deceased individual or a restaurant identifier that is not otherwise associated with Parks' property. Parks reserves the right to approve any name selected by the concessionaire for the concession.

Customer Service

Parks expects the concessionaire to create and maintain 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.

Music & Sound Levels

The concessionaire will be required to comply with all laws, rules and regulations of appropriate agencies, specifically the Department of Environmental Protection (DEP), regarding noise levels, and concessionaire shall be responsible for payment of any and all fees or royalties to the American Society of Composers, Authors and Publishers (ASCAP), Broadcast Music, Inc. (BMI), or such other entity as they may require for such music or music programming. The concessionaire may operate and play sound equipment and music only at a sound level reasonably acceptable to the Commissioner. Any musical programming or other types of entertainment must be approved by Parks and shall end no later than 10 pm each day. A cabaret license and concerts will be strictly prohibited at the Licensed Premises.

Staff

The concessionaire will be required to have a sufficient number of staff available at the Licensed Premises during regular 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.

Internal Controls

Throughout the License term, the concessionaire will be required to maintain a revenue control system to ensure the accurate and complete recording of all revenues, 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 after the expiration of the License term.

Equipment

The concessionaire will be required to purchase, supply, or otherwise obtain use of all equipment necessary for operation of this concession. The concessionaire must maintain equipment at quality levels that meet or exceed Parks' standards. Equipment must be replaced and/or repaired as needed.

Maintenance

The concessionaire will be required, at its sole cost and expense, to maintain and operate the Licensed Premises in a good and safe condition and in accordance with industry standards. The concessionaire will be responsible for year-round maintenance of the Kitchen Area as well as the optional kiosk, if proposed. During each operating season of the License term, the concessionaire will be responsible for maintenance of the Café Area and the North Plaza, regardless of whether any outdoor seating is proposed. During each operating season, the concessionaire will also be responsible for maintenance of the restrooms located in the basement level of the pavilion, which will also be used by Parks' staff, and for the public restrooms located on the main level of the pavilion. In addition, all signs and structures belonging to the concessionaire must be kept in good condition and free of graffiti. The erecting of any ancillary structures at the Licensed Premises shall be subject to Parks' prior, written approval.

Rubbish Removal & Recycling

During each operating season of the License term, the concessionaire will be responsible for, at its sole cost and expense, the clean-up and removal of all waste, garbage, refuse, rubbish, and litter from the Café Area and the North Plaza, regardless of whether any outdoor seating area is proposed. The concessionaire will be responsible for year-round clean-up and trash removal of the Kitchen Area and optional kiosk, if proposed.

The concessionaire will be required to provide easily accessible, adequate 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 location and placement of all waste and recycling containers are subject to Parks' prior written approval. The concessionaire will be required to comply with all City, State, and Federal regulations regarding recycling. All rubbish removal schedules are subject to Parks' prior written approval. In addition, the concessionaire will be required to demonstrate to Parks' satisfaction, through a detailed maintenance plan, that they will keep and maintain the Licensed Premises in excellent condition throughout the License term.

Environmental Considerations

As a 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 environmentally friendly practices planned for the Premises. Practices may include, but are not limited to, the installation of Energy Star compliant appliances, the employment of energy efficient and water conservation measures, the use of low toxicity chemicals, and the use of environmentally friendly products.

Parks views 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. Proposers should also state in their proposals whether they intend to utilize or install energy-efficient compact fluorescent light bulbs (CFLs), low toxicity chemicals and materials, and the use of environmentally friendly products.

Parks will also view favorably proposals demonstrating the intent to install Energy Star approved appliances, such as commercial refrigerators and encourages the use of environmentally friendly equipment. Proposers should state whether they intend to install products that have the Energy Star seal of approval. Energy Star products can be found at: <http://www.energystar.gov>.

Parks encourages the successful proposer to use chlorine-free, biodegradable products such as paper towels, napkins, utensils, and plates if the proposer intends to utilize any disposable products at the Licensed Premises. Additionally, Parks will encourage the use of environmentally friendly cleaners and the selling of sustainable food products. Proposers can consult the web site of the Green Restaurant Association (“GRA”) to locate GRA-endorsed products. Please visit <http://www.dinegreen.com> for more information. In addition to the use of environmentally friendly products, Parks will encourage the successful proposer to train staff on environmentally friendly food service practices and to utilize a composting service to dispose of food waste.

Utilities

Parks makes no representations regarding the adequacy of utilities currently in place at the Licensed Premises. The concessionaire will be required to connect to and/or upgrade any existing utility service or create a new utility system, and obtain the appropriate permits and approvals as needed. The concessionaire will be required to pay for any and all utility costs connected with the operation of this concession during the License term. These utility costs include paying all water and sewer charges that the New York City Department of Environmental Protection (“DEP”) assesses for water usage.

Drought & Water Conservation Issues

The concessionaire will be required to adhere to all DEP directives and restrictions regarding drought and water conservation issues during the term of the License. Proposals should include any plans to employ methods and equipment which will conserve water, including any plans to upgrade plumbing, regularly check for and remedy leaks in a timely fashion, eliminate non-target watering, to install, recycle gray water and runoff, and schedule watering around peak evaporation times.

Special Events

Subject to prior written approval from Parks, the concessionaire may conduct special events or programs at the Licensed Premises. The concessionaire is required to submit all plans for any events or programs at the Licensed Premises and obtain prior written approval from Parks. In no event shall the Licensed Premises be closed to conduct private activities during public hours of use, except when such activities are specifically approved by or sponsored by Parks and such a closure has been announced to the public at least two weeks in advance of the activities or events. All revenue generated through such special events or programs must be reported to Parks as gross receipts.

Parks, acting on behalf of the City of New York, reserves the right to host a number of annual events at the Licensed Premises, including benefits and other non-profit or public events. The dates of such events shall be mutually agreed upon by both parties and shall be reserved in writing not less than one (1) month in advance.

Security

During each operating season of the outdoor café, the concessionaire shall be responsible for maintaining 24 hour-a-day security within the Café Area and public restrooms located on the main level of the pavilion, the restrooms in the basement level and the North Plaza, regardless of whether any outdoor seating is proposed, and will be required to cooperate with Parks to ensure security of the surrounding parkland. The concessionaire will be responsible for year-round security of the Kitchen Area and kiosk, if proposed. All security plans are subject to Parks' prior written approval. The concessionaire will be required to secure the Licensed Premises and any other equipment every evening.

Safety

Since safety is of the utmost concern, proposers with prior experience in operating this type of facility or similar facilities should submit their personal and/or company safety record. Each proposal should include a detailed outline of maintenance schedules and safety precautions required for the operation of the Licensed Premises as well as any applicable staff qualifications and certifications. Proposers should also provide descriptions of the locations and types of facilities they have operated, including a list of references. The concessionaire will be required to comply with all national safety guidelines and Federal, State and City laws, rules and regulations related to the development, operation and maintenance of the Licensed Premises.

Identification & Address

The successful proposer will be required to present picture identification (such as a driver's license or a passport) and proof of address (such as a utility bill) in order to execute the license agreement. In addition, all proposers will be expected to provide Parks with at least two (2) telephone numbers for contact purposes. The successful proposer shall notify the Parks Revenue office immediately of any changes to the successful proposer's address or phone number.

Inspections & Liquidated Damages

Inspectors from Parks will visit the Licensed Premises unannounced to inspect operations and ensure proper maintenance of the Licensed Premises. Based on their inspections, should the concessionaire fail to provide the cleaning, maintenance, and operational services required by his or her License, 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 (\$500.00) Dollars per day from the date of the second notice, with respect to each violation of the License, until the shortcomings have been corrected. Liquidated damages, if not paid promptly, may be deducted from the concessionaire's security deposit.

Access to Licensed Premises

The concessionaire will be required to provide Parks with full and free access to the Licensed Premises to ensure Parks' satisfaction with the concessionaire's compliance with the terms of the License Agreement.

No Exclusive Vending Rights

Proposers should note that the license agreement will not grant the concessionaire exclusive rights to sell in the park in which the licensed premises are located. Moreover, Parks may grant other permits to vendors to sell the same or similar items authorized under this license agreement within the same park in which the licensed 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 operate near the licensed premises. Parks encourages concessionaires to report illegal vendors by calling 311.

B. CAPITAL IMPROVEMENTS

Parks anticipates a substantial investment from the concessionaire. The concessionaire will be responsible for all capital costs associated with the development, operation, and maintenance of the Licensed Premises. Parks will view favorably proposals that include “green building” design elements and encourages the use of environmentally friendly products for all repairs and capital improvements. A list of products/materials relating to environmentally-friendly practices in City construction projects is available in the *New York City EPP Minimum Standards for Construction Products*. A hard copy of the standards may be obtained from the agency or on the web at: http://www.nyc.gov/html/mocs/html/programs/other_epp.shtml.

Improvements and Repairs

Pavilion

The concessionaire will be required to perform the following improvements and repairs to the Licensed Premises:

- Provide all equipment necessary to operate a fully functional, high quality outdoor cafe, including cooking equipment, beverage and ice machines, and ADA accessible counters. Energy Star certified appliances can be located at <http://www.energystar.gov>.
- Provide all personal equipment necessary to operate a fully functional high quality outdoor café, including a temporary bar which can be removed from the pavilion space.
- Install a fan vent on the comfort station and provide all necessary appliances in the Kitchen Area.

The concessionaire will be expected to perform the following improvements and repairs to the Licensed Premises:

- Connect to the stub outs that have been provided by Parks and that it intends to use, and to install all meters as necessary.
- Connect to the service stub outs provided by Parks for access to water, drainage and electricity in the Café Area and install all meters as necessary.
- Install an exhaust / fire suppression system as required to code. *Note:* The concessionaire will be responsible for obtaining all permits and approvals and will have the equipment serviced and maintained as required by NYC Code.
- Provide exhaust ducts and roof vent from kitchen equipment as needed.
- Provide additional lighting within the pavilion as needed. *Note:* All electrical work must be performed to code by a licensed electrician.
- Provide and install a gas fired boiler in the Kitchen Area for heat and hot water, including the installation of necessary boiler connections to receive gas service. *Note:* The concessionaire’s boiler will be located on the new housekeeping pad adjacent to the new Parks boiler in the Mechanical Room. Parks has installed a new and separate flue for the concessionaire’s gas fired boiler. If the concessionaire intends to use a gas fired boiler, then the concessionaire will be required to install breeching from the boiler to the new flue stack connection.

Optional Year-Round Satellite Kiosk

If the concessionaire chooses to develop, operate and maintain a kiosk, the concessionaire will be required to perform the following improvements and repairs to the Licensed Premises:

- Construct satellite kiosk in a Parks-approved location.
- Provide all equipment necessary to operate a fully functional, high quality kiosk.
- Provide all personal equipment necessary to operate a fully functional, high quality kiosk.

The concessionaire will be expected to connect to the stub outs provided by Parks in the paving for access to drainage, a one-inch (1”) gas line, electric and water utilities, and install all meters as necessary.

ADA Compliance

The concessionaire shall be required to provide Americans with Disabilities Act (“ADA”) accessibility throughout the Licensed Premises, including, but not limited to, installing ADA accessible counters in the Café Area, installing ramps, as needed, and providing ADA signage.

The concessionaire shall comply with all 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.

Permits, Licenses and Approvals

The concessionaire will be responsible for obtaining all necessary permits, licenses and approvals from all City, State and Federal Agencies having jurisdiction for the operation, maintenance and/or development of the Licensed Premises. The concessionaire will also be responsible for obtaining, amending and complying with the sign-offs, Public Assembly Permits, DOHMH permits, fire department certificates and all other permits including, but not limited to, Department of Environmental Protection (DEP), New York State Department of Environmental Conservation (NYS DEC), and/or other government agency approvals and permits necessary for any alterations to the existing premises.

Certificate of Occupancy

The concessionaire will be required to operate and occupy the Licensed Premises in accordance with all applicable law and shall, at its sole cost and expense, obtain all licenses and permits that may be required to operate the Licensed Premises in accordance with applicable law, including any necessary Certificate(s) of Occupancy. Concessionaire shall at all times operate the Licensed Premises in accordance with the provisions of any required licenses or permits. In the event that, at the commencement date of the License Agreement, the concessionaire does not have a Certificate of Occupancy because one is not legally required, then the concessionaire shall obtain a “Letter of No Objection” from DOB.

Evaluation of Capital Investment & Design

Please note that Parks will weigh capital investment and design in its evaluation process (for more information, please see the “Proposal Content Guidelines” section). Therefore, please describe all intended capital work and provide cost estimates for this capital work in your proposal submission. In addition, please include a detailed capital/design timetable which clearly outlines proposed improvements and the anticipated duration of each improvement. The timetable may use “phases” as a schedule. Also, please indicate whether you plan to account for environmental considerations in your capital improvement and maintenance plan.

In compiling your capital submission, please be aware that the cost estimates provided in the successful proposal will become a minimum required capital expenditure in the License Agreement and the time frame proposed will become a mandatory capital schedule. In the event the concessionaire performs all capital improvements for less than the minimum required capital expenditure, any excess monies will be remitted to the City as additional License fees. Therefore, please be realistic or even conservative in the investment and time frame you offer. All capital improvements and fixed equipment applied toward the proposer's capital investment become the property of Parks upon installation, at Parks' option. The concessionaire will also be required to supply all additional equipment and materials necessary for the successful operation of the concession. Proposers should differentiate between equipment to be applied towards the minimum required capital expenditure versus personal expendable items in their proposals. Personal expendable items should not be considered capital. Capital Improvements shall not include routine maintenance and repairs required to be performed in the normal course of management and operation of the concession. For example, routine painting and repair of minor wear and tear is considered routine maintenance and would not be accepted as capital investment. Parks reserves the right to determine whether certain repairs and material purchases can be accepted as capital improvements. The concessionaire shall pay for all improvements. As a Parks concessionaire, you may request a sales tax waiver for all sales tax costs associated with the capital expenditures on your Parks concession. Therefore, no sales tax expenses will be accepted as part of capital submissions. Personal expendable items not applied toward the required capital expenditure will remain the property of the concessionaire. These personal expendable items should be listed separately in your proposal under the category of "Additional Investment."

Note: All necessary permits and approvals for capital work and design must be obtained from the DOB including, but not limited to, obtaining a Certificate of Occupancy, Public Assembly Permit or Letter of No Objection, as needed. Additionally, all designs and construction to be performed on any structure within the Licensed Premises shall be prepared by licensed architects or engineers and will require prior written approval from Parks, the Public Design Commission of the City of New York, DOB, and/or any other agency having jurisdiction. The concessionaire will be required to provide Parks with all plans and specifications upon completion of the construction documents.

Construction Security Deposit

The concessionaire will also be required to provide a construction security deposit, in an amount and format approved by Parks, to ensure that all capital work is completed. This security deposit, preferably in the form of a letter of credit, must be in place before any capital work commences.

Available Plans

Any available plans may be obtained from Parks' Document Services/Map File Center at the Olmsted Center in Flushing Meadows-Corona Park, Queens. To make an appointment, please contact Steve Rizick, Director of Document Services, at (718) 760-6798. There is a nominal fee for reproductions. Plans may also be downloaded on Parks' website by visiting <http://www.nyc.gov/parks/USPavilion>. Parks makes no representations as to the availability, accuracy or completeness of these documents.

C. DESIGN REVIEW FEE

For Parks' Design Division review of the licensee's design documents, Parks will charge the licensee a fee ("Design Review Fee") which will be a percentage of the total cost of all capital improvements. "Total Cost" of such improvements will be the total amount stipulated in the license agreement. **The fee is 1% of the total cost.** Upon signing the license agreement, the successful proposer will pay the Design Review Fee.

Note: All designs, outdoor signage, and capital work performed at the site will require prior, written approval from Parks, the Public Design Commission of the City of New York, the New York State Historic Preservation Office, the New York City Landmarks Preservation Commission (if applicable), and any other

agency having jurisdiction. Additionally, all necessary permits and approvals for capital work and designs for on-site structures must be obtained from DOB.

D. ADDITIONAL REQUIREMENTS DURING THE TERM OF LICENSE

1. The concessionaire will be required to operate and maintain the concession for the use and enjoyment of the general public. Take-out service for park patrons must be a part of the food service at the café.
2. The concessionaire will be required to submit a security deposit of 25% of the highest year's guaranteed minimum license fee, which will be required for the duration of the term of the license. This security deposit, which may be in the form of an interest-bearing account payable to Parks or other format approved by Parks, will be due upon signing.
3. The concessionaire will be required to carry Commercial General Liability insurance, dedicated to the Licensed Premises and concessionaire's operations there in the amount of \$2,000,000, Property Damage insurance in the amount of \$2,000,000, with no aggregate limit, and statutory limits of Worker's Compensation, Employer's Liability and Disability Benefits Insurance. All insurance policies other than Employer's Liability, Worker's Compensation, and Disability Benefits Insurance must name the City of New York, including its officials and employees, as an additional insured with coverage at least as broad as Insurance Services Office (ISO) Form GC 20 26. All Risk Insurance equal to the replacement cost value of the structures will also be required, with the City of New York named as sole loss payee. Proposers are on notice that the City may require higher liability limits and other terms if, in the opinion of the Commissioner, the proposed program warrants it.
4. The concessionaire will be required to submit monthly statements of gross receipts from all categories of income in a format approved by Parks. Within sixty (60) days following the end of each operating year, the concessionaire will be required to submit a detailed income and expense statement for the past year's operation. The concessionaire will be required to maintain a revenue control system to ensure the accurate and complete recording of all revenues, as described under "Internal Controls" in Section II(A) above.
5. 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.
6. 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.
7. Prior to the commencement of any construction, the concessionaire shall have an asbestos inspection performed on the existing structures at the licensed premises to the extent required by the Department of Buildings or other applicable authority. In the event that asbestos removal is deemed necessary, the concessionaire will remove the asbestos according to City, State and Federal regulations.
8. The concessionaire will be prohibited from pruning, cutting down or removing any trees on the Licensed Premises without prior written approval from Parks. Any attachments to the trees, such as lights, will not be permitted.
9. The concessionaire will be required to cooperate with Parks during special and other unanticipated events.

10. Smoking in any building is strictly prohibited. The concessionaire will be required to adhere to and enforce this policy.
11. The use of polystyrene packaging or food containers will be prohibited in the operation of the concession. Additionally, the concessionaire will be prohibited from selling any beverages in glass bottles from the satellite kiosk, if proposed.
12. The selling and/or advertisement of cigarettes, cigars, or any other tobacco products is strictly prohibited. The concessionaire shall adhere to and enforce this policy.
13. The concessionaire will be required to retain a professional licensed engineer or registered architect approved by Parks for design and filings of proposed capital work and to oversee the entire construction project. This supervising architect or engineer will be required to ensure that all construction conforms to the plans approved by Parks' Design Division. Proposers are required to submit the engineer or architect's qualifications to Parks for prior written approval.
14. The concessionaire will be required to indemnify the City for losses associated with the concessionaire's actions under the License Agreement, pursuant to a provision to be included in the License Agreement.
15. The concessionaire must obtain the prior written approval of Parks prior to entering into any marketing or sponsorship agreement. In the event that the concessionaire breaches this provision, the concessionaire shall take any action that the City may deem necessary to protect the City's interests.
16. The concessionaire should be aware that the City is the trademark owner of various marks and has licensed the use of those trademarks for use on certain designated merchandise. If the concessionaire wants to sell merchandise that uses the City's trademarks, the concessionaire shall purchase such merchandise from authorized licensees of the City of New York. The sale of counterfeit or unlicensed merchandise at this concession will result in the immediate termination of the concession and seizure of the security deposit.
17. The concessionaire must keep the public restrooms in the Pavilion's main floor open and available for public use at all times that the café is in operation during the operating season.
18. During the non-operating season (approximately November 1 through April 30) the concessionaire may not use any portion or part of the main floor of the Pavilion for any use related to the operation or maintenance of a cafe or satellite kiosk.

III. THE RFP PROCESS/PROPOSAL PROCEDURE

A. PROPOSAL SUBMISSION INSTRUCTIONS

The proposal should be typed on both sides of 8 ½" 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' prior, written approval. Oversized drawings may be submitted, but must be

accompanied by 8 ½" x 11" sectionals or reductions to 8 ½" 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 # M89-SB
- Proposal Due Date: **Thursday, July 15, 2010 no later than 3:00 PM**

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 year of the License term. At Parks' request, proposer shall submit documentation, satisfactory to Parks, demonstrating that it has the financial capability to pay the fees set forth in its proposal. Failure to provide such documentation will result in a determination of non-responsiveness.
2. All proposers are required to submit a proposal deposit in the form of a **certified bank check, official bank check, or cashier's check in the amount of \$10,000** 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 concession agreement 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 License Agreement 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 407, New York, New York 10065.
4. All proposals must be received **by Thursday, July 15, 2010 at 3:00 PM**. 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 ("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 License fee, expressed as a guaranteed annual 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 year (compounded annually) in the guaranteed minimum fee over the License term.

2. Operating Experience

- Proposers should submit a resume 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, and experience with community programming or activities. Include the name of the referenced 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. Proposed Capital Investment and Design

- Proposers should submit a detailed timetable describing all design and capital work. This timetable should clearly outline all intended improvements, the projected cost of these improvements, and the anticipated commencement and completion dates of these improvements.
- Proposers should submit a plan describing the extent to which proposed capital improvements will account for environmental considerations. Parks will view favorably proposals that include "green building" design elements, and Parks encourages the use of environmentally friendly products for all repairs and capital improvements.
- Proposers should submit designs for the exterior and interior of the Licensed Premises, including dimensions, as well as pictures of tables, chairs, plantings, decor, etc. All final designs of the successful proposer must be approved by Parks and other pertinent agencies before construction can commence.

4. Planned Operations

- Proposers should submit a detailed operational plan for the entire Licensed Premises, including but not limited to hours of operation, any plans to install energy efficient appliances that have the Energy Star seal of approval and/or water conserving appliances, any plans to use "Green Seal" or other environmentally friendly products or devices, proposed menus and prices, maintenance, plans for deliveries and rubbish

removal, and a cleaning schedule. All operational plans, including delivery schedules, rubbish removal schedules, prices (and subsequent increases), menu items, and hours of operation are subject to Parks' prior written approval.

- Proposers should also describe in detail any community programming or similar activities that are included in their proposals, as Parks will view favorably proposals that incorporate such plans during the café's operating season.
- Parks should describe in detail any plans to use produce or ingredients from the Greenmarket and farmers/providers associated with the Greenmarket, or otherwise to incorporate the Greenmarket into programming of the concession, as Parks will view favorably proposals that incorporate such relationships with the Greenmarket to the greatest extent possible.
- Proposers should submit an estimated number of full-time and seasonal employees and the positions these 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.
- Proposers should include a comprehensive pro-forma income and expense projection for each year of operation. This pro-forma projection should include explanations for all the assumptions used in its formulation.

5. 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 Licensed Premises.

IV. EVALUATION AND SELECTION PROCEDURES

Proposals will be evaluated by a selection committee composed of a minimum of three (3) Parks employees, and possibly other City employees and/or independent (non-government employed) professionals with relevant expertise, 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 & Recreation will use the following criteria, as described in Section III(C):

- Fee Offer: see section III (C) (1) above (25%)
- Operating Experience: see section III (C) (2) above (20%)
- Proposed Capital Investment and Designs: see section III (C) (3) above (15%)
- Planned Operations: see section III (C) (4) above (25%)
- Financial Capability: see section III (C) (5) above (15%)

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 currently operated by proposers.

V. OTHER GENERAL RFP REQUIREMENTS AND CONDITIONS

Parks 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 award of this concession 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 RFP 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 License Agreement issued by Parks. In the event this agreement is terminated, Parks will not reimburse Licensee's unamortized capital improvement costs as of the date of termination.

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, proposer(s) will 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 required to complete VENDEX Questionnaires (Principal Questionnaire for any person and Vendor Questionnaire for any entity with at least a 10% ownership interest in the submitting vendor). 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

Doing Business Data Form

To be completed by the City Agency prior to distribution			
Agency: NYC Parks & Rec.		Transaction ID: M89-SB	
Check One:	Transaction Type (check one):		
☒ Proposal	☒ Concession	☐ Contract	☐ Economic Development Agreement
☐ Award	☐ 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: _____

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

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.



Printed on paper containing 30% post-consumer material