

SOLICITATION# M10-64-SB

REQUEST FOR PROPOSALS

**FOR THE RENOVATION, OPERATION AND MAINTENANCE OF A SNACK BAR
AT THE HARLEM MEER, CENTRAL PARK**

MANHATTAN



ISSUE DATE:

OCTOBER 20, 2009

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

www.nyc.gov/parks

REQUEST FOR PROPOSALS (RFP)

The City of New York Department of Parks & Recreation (“Parks”) requests proposals for the renovation, operation and maintenance of a snack bar at the Harlem Meer in Central Park, Manhattan. The proposed concession site is located at the northeast corner of Central Park, at 5th Avenue and East 106th Street, Manhattan (“Permitted Premises”). Parks is seeking proposers who can demonstrate strong experience in food service operations in order to operate and maintain the snack bar.

THE TERM

Parks is seeking a concessionaire for one (1) eight-year term. No longer term will be considered. 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 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.

REQUEST FOR PROPOSALS TIMELINE

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

RFP Release Date:	Tuesday, October 20, 2009
Recommended Proposer Meeting & Site Tour:	Monday, November 9, 2009 at 10 a.m.
Proposals Due:	Friday, December 4, 2009 at 11 a.m.



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 Monday, November 9, 2009 at 10:00 am. We will be meeting at the proposed concession site, located at the northeast corner of Central Park at 5th Avenue and East 106th Street, Manhattan. If you are considering responding to this RFP, please make every effort to attend this meeting and site tour.

I. PROJECT BACKGROUND

A. History

Stretching from 106th to 110th Streets, the northern end of Central Park was the last section of the Park to be acquired and developed in the mid-19th Century. Included in this development was the conversion of a large swamp into what is now the beautiful Harlem Meer, the second largest man-made lake in the Park that boasts diverse wildlife and a natural waterfall.

The Harlem Meer is a destination for a variety of family-related activities, such as catch-and-release fishing, visits to the two playgrounds with water features, Park-related tours, exhibits, talks at The Charles A. Dana Discovery Center, and trips to the nearby Conservatory Gardens and the Lasker Rink for skating and swimming.

Apart from the many nearby attractions within Central Park, the snack bar is also easily accessible from the surrounding city blocks, which include the sprawling medical campus of Mount Sinai Hospital, employer to a staff of over 16,000. The snack bar's proximity to such a multitude of destinations, both inside and outside the Park, creates the potential for this concession to become a destination in and of itself!

B. Financial History

The following chart lists the gross receipts, minimum annual fee, and fees paid to Parks by the current concessionaire since the 2005-2006 season (the fees paid to Parks are expressed as the higher of the minimum annual fee versus a percentage of gross receipts):

Operating Year*	Gross Receipts	Minimum Annual Fee	Percentage of Gross Receipts	Fees Paid to Parks
2005-2006	\$33,663.00	\$4,500.00	5%	\$4,500.00
2006-2007	\$45,945.00	\$5,500.00	6%	\$5,500.00
2007-2008	\$50,472.00	\$5,500.00	7%	\$5,500.00
2008-2009	N/A	\$7,000.00	7%	N/A
2009-2010	N/A	\$7,500.00	7%	N/A

* Operating Year is from mid-September to mid-September of the following operating year.

C. The Concession Site

The concession site is located at the northeast corner of Central Park at 5th Avenue and East 106th Street, Manhattan. The concession is housed in a small brick building, approximately 12' by 15' in size, along the Harlem Meer, with a service window that has a roll-down security gate. There is limited space for outdoor seating in front of the snack bar (about 2-3 tables), along the pedestrian path. The structure is divided into a front service area and back food prep area, which includes a small employee bathroom.

II. PROJECT COMPONENTS

A. OPERATIONS

Parks is seeking proposers with a strong background in the food service industry to renovate, operate, and maintain a high-quality snack bar at the Harlem Meer in Central Park, Manhattan. The snack bar should make a significant improvement to the ambience of the park and surrounding area while providing a convenient service to the public.

Proposers should submit a detailed operational plan for the entire Permitted Premises. This plan should include, but not be limited to, hours of operation, menu and prices, 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, staffing plans, safety and security plans, mechanisms to measure customer satisfaction, and maintenance, rubbish removal, and cleaning schedules.

Hours and Days of Operation

All hours and days of operation require the prior written approval of Parks. Any changes to the days and hours of operation must be requested in writing and approved in writing by Parks.

Food Service

The concessionaire will be responsible for the operation of the snack bar at a high standard of quality. Proposals should include a menu that demonstrates quality, variety, and affordability. Proposers should include some low-cost items on their menus. The concessionaire will be required to maintain adequate inventory to assure a constant supply of food, beverages, and merchandise. Proposers should also include information on whether they intend to employ environmentally friendly food service practices.

Any staff assigned by the concessionaire to sell food and beverages to the public must possess all Federal, State, and City authorizations and possess, and at all times display, appropriate New York City Department of Health & Mental Hygiene (“DOHMH”) permits.

The concessionaire may only operate the snack bar if he or she has obtained the appropriate, valid permits and authorizations required by DOHMH. At all times that the snack bar is operating, a staff person with a valid DOHMH food handler’s license must be present.

Tables & Chairs

The concessionaire may place tables and chairs for use by the public in the open space outside the snack bar. The design of tables and chairs, as well as their exact number and location, will be subject to Parks’ prior written approval. Throughout the Permit term, it will be the concessionaire’s responsibility to repair and replace chairs and tables as needed, as well as storing them nightly and setting them out before opening, and cleaning them for daily use.

Storage

No item shall be stored upon any public space, including, but not limited to, the ground adjacent to the Permitted Premises, without Parks’ prior written approval. The concessionaire agrees that Parks Inspectors and/or Park Enforcement Officers may confiscate any and all material found to be outside of the Permitted Premises.

Signage and Advertising

All signage at the Permitted Premises is subject to Parks’ approval. The concessionaire will be required to prominently display in a place and manner subject to Parks’ written approval, the approved schedule of operating days and hours, prices, and menu items.

The concessionaire will be prohibited from placing or permitting the placement of advertisements in the Permitted Premises without the prior written approval of Parks. The display or placement of tobacco advertising shall not be permitted. The advertising of alcoholic beverages shall not be permitted within 250 feet of any school, day care center, or house of worship. 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 concessionaire upon notice from Parks. In addition, advertising of product brands is strictly prohibited without Parks' prior written approval. All advertising utilized at the Permitted Premises is subject to Parks' prior 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 Permitted 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 will not consider proposals that are contingent upon the use of any specific name.

Customer Service

Parks expects the concessionaire to create and maintain a high-quality concession 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.

Staff

The concessionaire will be required to have a sufficient number of staff available at the Permitted 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 Permit 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.

Equipment

The concessionaire will be required to purchase, supply, or otherwise obtain use of all equipment necessary for operation of this concession. Proposers must differentiate between equipment to be applied towards the minimum required capital expenditure, routine maintenance expenditure and personal expendable items in their proposals. The concessionaire shall pay for all improvements. 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. 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 responsible for, at its sole cost and expense, the maintenance and operation of 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, all interior and exterior structures, building systems, utility systems and connections, sewer systems and connections, if any, equipment, lighting, sidewalks, vaults, gutters, curbs, and fixtures. To ensure Parks' satisfaction with said compliance, the concessionaire will be required to provide Parks with full and free access to the Permitted Premises.

Rubbish, Snow Removal & Recycling

The concessionaire will also be responsible for, at its sole cost and expense, clean-up and removal of all waste, garbage, refuse, rubbish snow and litter from the Permitted Premises and the area within fifty (50) feet of the Permitted Premises. 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 containers is subject to Parks' prior written approval. The concessionaire will be required to comply with all City, State, and Federal regulations regarding recycling. All rubbish and snow removal schedules are subject to Parks' prior written approval.

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 concession. Practices include, but are not limited to, the installation of Energy Star appliances, the employment of energy efficient and water conservation measures, the use of low-toxicity chemicals, and the use of "Green Seal" eco-friendly products.

Parks views favorably the installation of Energy Star approved appliances at the Permitted Premises. Additionally, Parks 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 also 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 whether they intend to utilize or install energy-efficient compact fluorescent light bulbs (CFLs).

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 snack bar. 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 encourages the successful proposer to train staff on environmentally friendly food service practices and to utilize a composting service to dispose of food waste.

Utilities

The concessionaire will be required to pay for any and all utility costs connected with the operation of this concession. This includes, but is not limited to, installing all necessary utilities, service lines, conduits; water meters, pipes, etc. These utility costs also include paying all water and sewer charges that the New York City Department of Environmental Protection ("DEP") assesses for water usage. The concessionaire will be required to remove any unsuitable existing materials as required. Parks makes no representations that there are adequate utilities currently in place at the Permitted Premises.

Drought & Water Conservation Issues

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

Security

The concessionaire, at its sole cost and expense, shall be responsible for all security at the Permitted Premises. The concessionaire will be required to secure the Permitted 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 Permitted Premises, and staff qualifications and certifications (if applicable). Proposers should also provide descriptions of the locations and types of facilities they have operated and 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 and operation of the Permitted Premises.

American's with Disabilities Act ("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 ADA accessibility requirements whenever possible, and not simply provide the minimum level required.

Inspections and 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, should the concessionaire fail to provide the cleaning, maintenance, and operational services required by his or her 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 (\$500.00) Dollars per day from the date of the second notice, with respect to each violation of the Permit, until the shortcomings have been corrected. Liquidated damages, if not paid promptly, may be deducted from the concessionaire's security deposit.

B. CAPITAL IMPROVEMENTS AND INVESTMENTS

Parks anticipates a substantial investment from the concessionaire. The concessionaire will be responsible for all costs associated with the renovation, operation, and maintenance of the Permitted Premises. 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. 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

The concessionaire will be expected to perform the following improvements. The concessionaire will be required to make all necessary repairs at his or her sole cost and expense.

- Repair, refurbish, or replace all kitchen equipment necessary to run a fully functional, high quality snack bar, including all cooking equipment, beverage, and ice machines. Energy Star certified appliances can be located at <http://www.energystar.gov>
- Replace all signage, subject to Parks' and Central Park Conservancy's written approval.
- Repaint exterior of snack bar, as needed.
- Repair or replace roofing over the snack bar, as needed.
- Repair roof gutters, drains, and downspouts, as needed to eliminate leaks.
- Repair or replace roll down security gates, as needed.
- Repair, service, maintain and obtain all necessary approvals and permits for exhaust and fire suppression equipment.
- Re-point bricks and remove bio-growth, as needed.
- Repair or replace light fixtures. Parks views favorably the installation of occupancy sensors, which reduce electricity waste, as well as the installation of energy efficient compact fluorescent light bulbs (CFLs).

Permits, Licenses and Approvals

The concessionaire will be responsible for obtaining all necessary permits, licenses and approvals for from all City, State and Federal Agencies having jurisdiction for the renovation, operation, and maintenance of the Permitted Premises. The concessionaire will also be responsible for obtaining, amending and complying with the Certificate of Occupancy, sign-offs, public assembly permits, health department permits, fire department certificates and all other permits, including, but not limited to, DEP, New York State Department of Environmental Conservation, or other government agency approvals and permits necessary for any alterations to the existing Permitted Premises.

Certificate of Occupancy

The concessionaire will be required to operate and occupy the Permitted 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 Permitted Premises in accordance with applicable law, including any necessary Certificate(s) of Occupancy. The concessionaire shall at all times operate the Permitted Premises in accordance with the provisions of any required licenses or permits. In the event that, at the commencement date of the Permit, 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. Furthermore, in the event that, at the commencement date of the Permit, or at any time during the term of the Permit, the concessionaire does not have a Certificate of Occupancy, where required, and does not have a "Letter of No Objection", the concessionaire may conduct its operations in temporary structures that have been approved in writing by Parks. The concessionaire shall obtain any necessary licenses and permits for such temporary structures before the commencement of operations. However, if in such situation, the concessionaire nonetheless chooses not to conduct such operations in temporary structures, then such operations shall not take place unless and until the concessionaire has obtained the necessary Certificate(s) of Occupancy, if required, or "Letter(s) of No Objection". Nothing in this section shall limit the concessionaire's obligation to pay the Permit Fees.

Note: *All necessary permits and approvals for capital work and design must be obtained from the Department of Buildings ("DOB") including, but not limited to, obtaining a Certificate of Occupancy, public assembly Permit or letters of no objection, as needed. Additionally, all designs and construction to be performed on the structure shall be prepared by licensed architects or engineers and will require prior written approval from Parks & Recreation, the Public Design Commission of the City of New York, the New York City Landmarks Preservation Commission, DOB and any other agencies having jurisdiction. The concessionaire will be required to provide Parks with all plans and specifications upon completion of the construction documents.*

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”). 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 putting together your capital submission, please be aware that in the successful proposer's Permit, the cost estimates provided in its proposal will become a minimum required capital expenditure, 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 Permit fees. Therefore, please be realistic or even conservative in the investment and time frame you offer. All capital improvements and fixed equipment applied towards 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 concessionaire of the New York City Department of Parks and Recreation, 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.

No Reimbursement for Unamortized Capital Costs

Proposers should be aware that this concession will be developed and operated pursuant to a Permit issued by Parks. In the event the Permit is terminated, Parks will not reimburse permittee's unamortized capital improvement cost as of the date of termination.

Construction Security Deposit

The concessionaire will also be required to provide a construction security deposit, in an amount and format approved in writing by Parks, to ensure that all renovation work is completed. This security deposit, preferably in the form of a letter of credit, must be in place before any renovation 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. Parks makes no representations as to the availability, accuracy or completeness of these documents. There is a nominal fee for reproductions.

C. DESIGN REVIEW FEE

For Parks' Design Division review of the permittee's design documents, Parks will charge the permittee a fee which will be a percentage of the total cost of all capital improvements (the "Design Review Fee"). "Total Cost" of such improvements will be the total amount stipulated in the Permit. **The Design Review Fee is 1% of the total cost.** Upon signing the Permit, 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 agencies having jurisdiction. Additionally, all necessary permits and approvals for capital work and designs for on-site structures must be obtained from the Department of Buildings.*

D. ADDITIONAL REQUIREMENTS DURING THE TERM OF PERMIT

1. The concessionaire will be required to operate and maintain the concession for the use and enjoyment of the general public.
2. The concessionaire will be required to obtain any and all necessary approvals, permits, and licenses for the lawful installation and operation of this concession.
3. The concessionaire will be required to submit a security deposit of 25% of the highest year's guaranteed annual flat fee, which will be required for the duration of the Permit 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 \$1,000,000, Personal Injury Liability insurance in the amount of \$1,000,000, Property Damage insurance in the amount of \$1,000,000, Employer's Liability 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, the New York City Department of Parks & Recreation, and the Central Park Conservancy 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 year, the concessionaire will be required to submit a detailed income and expense statement for the past year's operation.
6. 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 against its sales.
7. The concessionaire will be responsible for regular pest control inspections and extermination at the Permitted Premises as needed. To the extent that the concessionaire applies pesticides to any property owned or leased by the City, concessionaire or any subcontractor hired by concessionaire shall

comply with Chapter 12 of the New York City Administrative Code and limit the environmental impact of its pesticide use.

8. The concessionaire will be prohibited from cutting down or removing any trees on the Permitted 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 Parks building is prohibited. The concessionaire will be required to adhere to and enforce this policy.
11. Pursuant to Parks' policy citywide, the concessionaire will be prohibited from selling any beverages in glass bottles. All beverages will be required to be in non-glass, shatter-proof containers. Also, the use of polystyrene packaging or food containers will be prohibited in the operation of the concession.
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 in writing 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 in writing 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 have an asbestos inspection performed on the Permitted Premises prior to the commencement of construction. In the event that asbestos removal is deemed necessary, the concessionaire will remove the asbestos according to City, State and Federal regulations.
15. For any vehicle fuel dispensing tanks or underground heating oil storage tanks over 1,100 gallon capacity, the concessionaire will be required to maintain up-to-date Petroleum Bulk Storage ("PBS") registrations with State Department of Environmental Conservation ("DEC") and register such tanks with the DEP. The concessionaire will assume all registration and update costs. The concessionaire must keep a copy of the PBS Certificate on site and provide copies to Parks' 5-Boro Office on Randall's Island, New York. The concessionaire will be required to perform or have performed a tightness test conducted at least once every five (5) years, to comply with Parks monitoring leak detection checklists for the tank(s) and all other legal requirements. Any changes, removals or additions of tanks must be pre-approved in writing by Parks. A useful web site for compliance issues is: <http://www.dec.ny.gov/chemical/287.html>.
16. 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.
17. 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.

18. 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.

III. THE REQUEST FOR PROPOSALS 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 # M10-64-SB

- Proposal Due date: **Friday, December 4, 2009 at 11:00 am**

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.
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 \$5,000.00** 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, 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 Friday, December 4, 2009 at 11:00 am**. 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, vendors responding to this solicitation are required to complete the attached Doing Business Data Form ("Data Form") and return it with this proposal submission, and should do so in a separate envelope. If the responding vendor 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 vendor has failed to submit a Data Form or 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 your proposal submission 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 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 Permit term.

2. Operating Experience
 - Proposers should submit a resume 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. Including 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. 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 take into account environmental considerations.
 - Proposers should submit designs for the exterior and interior of the Permitted Premises, including dimensions, as well as pictures of tables, chairs, plantings, decor, etc. All final designs of the successful proposer must be approved in writing by Parks and other pertinent agencies before construction can commence.
4. Planned Operations
 - Proposers should submit a detailed operational plan for the entire Permitted 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' approval.
 - Proposers should submit an estimated number of full-time and seasonal employees and the respective 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 Permitted Premises.

IV. THE REQUEST FOR PROPOSALS PROCESS/PROPOSAL PROCEDURE

Proposals will be evaluated by a selection committee composed of Parks & Recreation 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 (25%); see Section III(C)(1) above
- Operating experience (20%); see Section III(C)(2) above
- Proposed capital investment and designs (20%); see Section III(C)(3) above
- Planned operations (20%); see Section III(C)(4) above
- Financial capability (15%); see Section III(C)(5) 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

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 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. In the event this Permit is terminated, Parks will not consider proposals for reimbursement of permittee'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, 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



Doing Business Data Form

To be completed by the City Agency prior to distribution			
Agency: NYC Parks & Rec.		Transaction ID: M10-64-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

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.nyccfb.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.

5/16/08