

SOLICITATION# CWP– 2010-A

REQUEST FOR PROPOSALS

**FOR THE SALE OF SPECIALTY FOOD FROM MOBILE FOOD UNITS AT VARIOUS
LOCATIONS CITYWIDE**



ISSUE DATE:

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**MAYOR OF THE CITY OF NEW YORK
COMMISSIONER OF PARKS & RECREATION
ASSISTANT COMMISSIONER FOR REVENUE & MARKETING
BOROUGH COMMISSIONER FOR BRONX PARKS
BOROUGH COMMISSIONER FOR BROOKLYN PARKS
BOROUGH COMMISSIONER FOR MANHATTAN PARKS
BOROUGH COMMISSIONER FOR QUEENS PARKS
BOROUGH COMMISSIONER FOR STATEN ISLAND PARKS**

REQUEST FOR PROPOSALS (RFP)

The City of New York Department of Parks & Recreation (Parks) requests proposals for the sale of specialty food from Mobile Food Units at various locations Citywide.

THE TERM

Parks is seeking concessionaires for one (1) five-year term. No longer term will be considered. These concessions will be operated pursuant to Permits issued by Parks; no leasehold or other proprietary rights are offered.

PROJECT MANAGER

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

Phone: (212) 360-1397

Email: joel.metlen@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 1-212-504-4115.

RFP TIMETABLE

The following schedule has been established for this RFP:

RFP Release Date: Tuesday, May 4, 2010

Proposal Due Date: Tuesday, June 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.

I. PROJECT COMPONENTS

In New York City, a person can walk down any street and find food from all corners of the globe, to suit all palates. Parks aspires to extend this bounty of flavor into the City's green spaces with the addition of specialty food vendors in park locations citywide. We invite you to propose your most inventive, exciting food idea, whether it is a pushcart selling an assortment of healthful, fresh salads to people on the go, or a mobile truck offering hot and cold delicacies from a distant homeland. Whatever the idea, we want to see it. Partner with us and contribute to the flourishing food culture of New York!

A. OVERVIEW

Parks is seeking proposals for the sale of specialty food items from pushcarts, processing carts and mobile trucks (herein collectively referred to as “Mobile Food Units”) at various locations Citywide. For the purposes of this RFP, “Mobile Food Unit” shall be defined as a self-contained service operation, located in a vehicle or a movable stand, self or otherwise propelled, used to store, prepare, display or serve food intended for individual portion service. Pushcarts, processing carts, and mobile trucks shall all be considered Mobile Food Units. The operations of these concessions are intended to be of a premium quality in terms of both Mobile Food Unit design and menu content, making a significant improvement to the quality and ambience of the park. Proposers may submit proposals for any or all of the approved vending locations, but must submit a separate proposal and separate proposal deposit for each vending location they are interested in operating. Each vending location listed in Section I(B) of this RFP is hereinafter referred to as “Permitted Premises” or “vending location.”

Operational Plan

Proposers should submit a detailed operational plan for the entire Permitted Premises. This plan should include, but not be limited to, hours of operation, menu and prices, safety and security plans, storage plans, any plans to use “Green Seal” or other environmentally friendly products or devices, mechanisms to measure customer satisfaction, and maintenance, rubbish removal, and cleaning schedules.

All plans, schedules, menu items, prices and fees, and hours of operation are subject to Parks’ prior written approval. In an effort to respect the surrounding neighborhoods, Parks has set forth specific operational restrictions for certain vending locations (see Section I(B) of this RFP). Proposers should take these restrictions, as well as those outlined in the Mobile Food Unit section (below), into account when crafting their proposals. Parks will view favorably proposals that have limited utility needs. Proposers should keep this in mind when submitting menus and creating proposals.

Hours of Operation

Vendors may only operate during the hours that the park in which the Permitted Premises is located is open as approved by Parks. All hours of operation are subject to Parks’ prior written approval. The Mobile Food Unit must vacate the Permitted Premises before the park closes; the Mobile Food Unit may not remain at the Permitted Premises overnight.

Menu

Parks envisions a high-quality specialty Mobile Food Unit that gives Park patrons a place to stop and enjoy the scenery, while enjoying top quality food. Parks will view favorably menus that are inventive and interesting, serve a variety of options beyond hot dogs and pretzels, and that incorporate ethnically diverse and/or healthy food choices. Menu items may include, but are not limited to, gourmet food products, premium coffees and teas, muffins, rolls, bagels, premium cookies, international and ethnic foods, soups, fruit, spring water, juices and gelato. The food and service provided must be of high quality, yet affordable. Proposers should submit a menu with their proposals and should include some low-cost food items on their menus. Proposals should include a price list for each item to be sold.

In an effort to respect the surrounding neighborhoods, Parks has set forth specific operational restrictions (see “Vending Locations” section below), where applicable. Proposers should take these restrictions, as well as those outlined in the Mobile Food Unit section (below), into account when crafting their proposals. Parks will view favorably proposals that have limited utility needs. Proposers should keep this in mind when submitting menus and creating proposals.

Any and all items sold and prices are subject to Parks’ written approval. **The selling and/or advertisement of cigarettes, cigars, any other tobacco products, or alcohol is strictly prohibited.** The concessionaire will be required to adhere to and enforce this policy.

Mobile Food Unit

The concessionaire shall be permitted to operate one (1) Mobile Food Unit at the Permitted Premises, in accordance with the following guidelines:

- **Pushcarts**

Pushcarts are manually propelled carts or barrows which are only for the sale of pre-packaged foods or foods which require limited preparation.

Pushcarts cannot be more than 6 1/2 feet long and 3 1/2 feet wide including all handles, extensions, and protuberances. If the unit is designed so that the operator stands within the unit, the width of the unit, including its wheels, axles, and other appurtenances may not exceed 4 1/2 feet.

- **Processing Carts & Processing Mobile Trucks**

Processing carts and processing mobile trucks are Mobile Food Units that are for the sale of foods that require cooking or any other treatment such as slicing mixing, packaging, or any other alteration that exposes the food to possible contamination. This definition does not include the boiling of hotdogs or heating of pretzels. Processing carts cannot be more than 10 feet long including all handles and extensions.

- **Non-Processing Mobile Trucks**

Non-processing mobile trucks are motorized vehicles utilized for the sale of pre-packaged foods or foods which require limited preparation.

DOHMH Information

The concessionaire will be required to obtain a DOHMH Vendor License for each person designated as an operator of a Mobile Food Unit and a DOHMH Mobile Food Vending Unit Permit for the successful proposer's Mobile Food Unit. Please note that only a DOHMH-licensed mobile food vendor may apply for a Mobile Food Vending Unit Permit. The concessionaire must submit both a valid DOHMH Vendor License and a DOHMH Mobile Food Vending Unit Permit to Parks before the operation of a Mobile Food Unit can commence. During the License term, any concessionaire operating a Mobile Food Unit without a valid DOHMH Vendor License and a DOHMH Mobile Food Vending Unit Permit will be instructed to cease operations and will be subject to fines. When warranted, Officers of the Parks Enforcement Police (PEP), New York City Police Department, New York Fire Department and DOHMH may confiscate the Mobile Food Unit.

To obtain a DOHMH license and/or permit, contact the New York City Licensing Department, 42 Broadway, 5th floor, Monday through Friday 8:30am to 5pm, or by phone at 212-487-4104 or 4105 or www.nyc.gov/health. Vendors should be aware that if they are applying for a DOHMH Vendor License for the first time, this process can take six (6) weeks or more.

DOHMH Vendor License

All persons designated as a Mobile Food Unit operator must have a valid DOHMH Vendor License in order to operate. Effective January 1, 2004, all mobile food vendors are required to successfully complete a DOHMH course in food protection to receive a new or renewed DOHMH Vendor License.

DOHMH Mobile Food Vending Unit Permit

The Mobile Food Unit must pass a DOHMH inspection in order to receive a DOHMH Mobile Food Vending Unit Permit. All Mobile Food Units operating under a Parks permit must first pass a DOHMH inspection. In order to schedule the Mobile Food Unit for an inspection, successful

proposers must submit Parks-authorized documentation to DOHMH, which is provided to the vendor following Notice of Award.

Note: The successful proposer must provide Parks with documentation that it has been issued a valid DOHMH Vendor License and DOHMH Mobile Food Vending Unit Permit. Once received and once the license agreement has been registered, Parks will provide the vendor with a Permit Decal and 311 sign for each Mobile Food Unit. The Mobile Food Unit(s) can only be operated under a license agreement once a written Notice to Proceed, the Permit Decal(s) and 311 sign(s) have been received.

Mobile Food Unit Specifications & Maintenance

Concessionaires will be required to purchase, supply, or otherwise obtain use of all equipment, including the Mobile Food Unit, necessary for the operation of this concession. Each concessionaire will be required to present his/her Mobile Food Unit to Parks for inspection before the Permit is signed. The Mobile Food Unit must be kept in good condition. Parks reserves the right to require replacement of the Mobile Food Unit that is in poor condition or that does not meet New York City Department of Health & Mental Hygiene (DOHMH) specifications and requirements.

The Mobile Food Unit, umbrellas, canopies and other equipment attached to the Mobile Food Unit shall be of a design and color approved in writing by Parks. Parks expects concessionaires to utilize a Mobile Food Unit of a premium quality and design. Parks will view favorably proposals that include Mobile Food Unit designs that are inventive, interesting and complement the Permitted Premises (rather than traditional Mobile Food Unit designs often used for hot dog and pretzel pushcarts). Proposals should include a photo or visual schematic of the type of Mobile Food Unit to be used, including the dimensions of the Mobile Food Unit. The Mobile Food Unit may not extend vending space beyond the confines of the unit.

It is necessary to keep the Mobile Food Unit clean and in good condition. This involves ensuring that the Mobile Food Unit does not leak any type of fluid, including water, onto the ground. It is also necessary to keep the Mobile Food Unit clean and free of graffiti. The Mobile Food Unit must not be damaged or dented. In addition, the concessionaire shall repair or replace the above if deemed necessary by Parks.

Advertising of product brands will not be allowed without Parks' written approval. The concessionaire will be prohibited from placing advertisements on the exterior of their concession area.

Permit Decal

The Permit shall become effective upon the concessionaire's receipt of a written Notice to Proceed. A Permit Decal and 311 sign for the Mobile Food Unit and a Notice to Proceed will be presented to the concessionaire after Parks has received documentation that the concessionaire has been issued a valid DOHMH Vendor License and DOHMH Mobile Food Vending Unit Permit and once the Parks Permit has been registered. A concessionaire shall not commence the operation of the Mobile Food Unit until it has received the Notice to Proceed, Permit Decal and 311 sign from Parks. Parks will provide a new Permit Decal for the Mobile Food Unit to the concessionaire at the beginning of each year of the Permit term, provided that the concessionaire is in compliance with the terms of its Permit. A replacement fee of \$50.00 will be charged to any concessionaire who loses its Permit Decal.

Vending Locations

The Mobile Food Unit may only vend in the vending location specified on the Permit. The exact vending location of the Mobile Food Unit is subject to Parks' written approval. Proposers will be responsible for determining whether the vending locations specified below, in Section I(B), are feasible for the placement of the type of Mobile Food Unit they intend to utilize. Proposers should also note that the specific vending locations listed below (see *Section I(B), "Vending Locations"*) are subject to change if Parks deems it necessary.

Signage & Advertising

All signage is subject to Parks' written approval. A Parks Permit Decal must be displayed at all times in a visible location. A menu and a price list, approved in writing by Parks, must also be prominently displayed at all times for *all* items that are sold at the Mobile Food Units, including ice cream and ices. A "311 sign" provided by Parks must be displayed at all times.

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 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 concessionaire 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.

Storage

Parks makes no representations that there is adequate storage space at the Permitted Premises. The concessionaire shall be responsible for, at its sole cost and expense, obtaining any additional storage space required for the operation of the concession. The concessionaire shall not store any equipment or supplies at the Permitted Premises without the prior, written approval of Parks. No item shall be placed upon any public space, including the ground adjacent to the Permitted Premises without Parks' prior, written approval. The concessionaire will be required to store all outdoor equipment on a nightly basis and anytime the concession is closed.

Security

During the concession hours of operation, the concessionaire, at its sole cost and expense, shall be responsible for maintaining security at the Permitted Premises in accordance with plans approved by Parks in writing in advance and will be required to cooperate with Parks to ensure security of the surrounding parkland.

Safety & Maintenance

Each proposal should include a detailed outline of safety precautions and maintenance schedules required for the operation of the concession, as well as staff qualifications and certifications, if applicable.

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.

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.

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 Mobile Food Unit and the Permitted Premises. Practices may include, but are not limited to, the installation of Energy Star compliant appliances, the use of energy efficient, non-polluting,

low noise generators, 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 the installation of Energy Star approved appliances and equipment, such as commercial refrigerators, at the Permitted Premises. Proposers should state whether they intend to install products that have the Energy Star seal of approval. Energy Star products and environmentally friendly practices 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>, and a list of environmentally-friendly products/materials is also available at: http://www.nyc.gov/html/mocs/html/programs/other_epp.shtml. 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).

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 for all food service at the Permitted 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.

Drought & Water Conservation Issues

The concessionaire will be required to adhere to all NYC Department of Environmental Protection (DEP) directives and restrictions regarding drought and water conservation issues during the Permit term. Proposals should include any plans to employ methods and equipment which will conserve water, including any plans to regularly check for and remedy leaks in a timely fashion.

Utilities

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

Identification & Address

The successful proposer for each vending location 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 Parks Permit. The operator of any type of mobile truck are also required to present a valid driver’s license in order to execute the Parks Permit. 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.

Internal Controls

Throughout the term of the Permit, the concessionaire will be required to maintain a revenue control system to ensure the accurate and complete recording of all revenue, in a form and manner acceptable to the City. 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.

Inspections & Liquidated Damages

Inspectors from Parks and DOHMH will visit the Permitted Premises unannounced to inspect operations and ensure proper maintenance of the Permitted Premises and compliance with the New York City Health and Administrative Codes and the New York State Sanitary Code. Based on their inspections, Parks may issue directives regarding deficiencies the concessionaire will be obligated to rectify in a timely fashion. Violations of the terms of the Permit may result in the assessment of liquidated damages which, if not paid promptly, may be deducted from the concessionaire's security deposit. If the concessionaire fails to provide the cleaning, maintenance, and operational services required by the Permit, Parks shall notify the concessionaire in writing, and the concessionaire shall be required to correct such shortcomings within the timeframe set forth in 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 the timeframe set in the second notice, Parks may, at its option, in addition to any other remedies available to it, suspend or terminate the Permit. Parks may impose a \$250 administrative fee for reinstatement of a suspended Permit. Liquidated damages may be assessed in accordance with the following schedule:

Provision	Liquidated Damages per Occurrence
Unauthorized Menu Items or Merchandise	\$150
Missing or Unauthorized Price List	\$250
Overcharging	\$350
Expanding	\$350
Blocked Exits	\$350
Improper Disposal (noxious liquids, debris, etc.)	\$350
Mobile Food Unit Leaking Fluids	\$350
Mobil Food Unit Obviously Damaged or in Poor Repair	\$250
Graffiti or Dirty Mobile Food Unit	\$350
Unauthorized Advertising	\$100
Roving or Vending at Unauthorized Location	\$250
Improper Storage	\$350
Graffiti, Dirty Cart, Truck or Umbrella	\$350
Sticker Expired or Not Displayed	\$250
Vending without valid DOHMH Mobile Food Vendor's License	\$350
Vending without valid DOHMH Mobile Food Unit License	\$350
311 sign not displayed	\$250

Procedure for Appeals of Assessments To Concession Permit Violations

If an assessment is received for one of the above violations, there is a process by which the assessments may be appealed if the concessionaire feels that the assessment has been assessed in error. The procedure is outlined below:

1. Filing an Appeal

- A. If the concessionaire wishes to appeal the assessment, a notice of appeal must be delivered to Parks within ten (10) days along with a statement of reasons why he or she believes the assessment was erroneous. The statement of reasons must be

notarized. Any evidence supporting the concessionaire's appeal (such as photographs, documents, witness statements) should also be included.

- B. If no appeal is received within 10 days of the date the assessment is mailed, the assessment shall be considered final and charged to the concessionaire's account.

2. Adjudication of Appeal

- A. The appeal shall be sent to the Assistant Director of Operations Management & Planning, whose office is located at the Arsenal, 830 Fifth Avenue, New York, NY 10065. The Commissioner has designated the Assistant Director of Operations Management & Planning to decide on the merits of these appeals. The decision of the Assistant Director of Operations Management & Planning shall constitute the final decision of Parks.
- B. The Assistant Director of Operations Management & Planning is authorized to investigate the merits of the appeal, but is not required either to hold a hearing or to speak to the concessionaire in person.

Access to Permitted Premises

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

No Exclusive Vending Rights

Proposers should note that the Permit will not grant the concessionaire exclusive rights to sell in the park in which the Permitted Premises is located. Moreover, Parks may grant other permits to vendors to sell the same or similar items authorized under this Permit within the same park in which the Permitted Premises is 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 Permitted Premises. Parks encourages concessionaires to report illegal vendors by calling 311.

B. VENDING LOCATIONS

All proposers should visit the vending location on which they are interested in proposing to ensure that the vending location is appropriate for their intended operations. For example, proposers interested in operating a Mobile Truck should ensure that there is adequate parking at the vending location. All concessionaires will be solely responsible for compliance with all parking rules and regulations at the vending location.

Parks requests proposals for the operation of Mobile Food Units at the vending locations listed below. The left column provides the name of the park. The middle left column indicates the vending location within the park. The middle right column indicates any operational restrictions for each vending location; and the right column indicates the vending location's property number, which should appear on the outside of the envelope in which you submit your proposal. Parks retains the right to relocate or restrict a Mobile Food Unit, if necessary.

<u>BRONX</u>			
<u>Park</u>	<u>Mobile Food Unit Location</u>	<u>Operational Restrictions</u>	<u>Property #</u>
Joyce Kilmer Park	Corner of E. 161 Street and Walton Ave.	Mobile trucks and processing carts are prohibited at this location	X28-CG

Rose Hill Park	Corner of Fordham Rd. and Webster Ave.	Mobile trucks and processing carts are prohibited at this location	X42-CG
Old Fort Park #4	Along Reservoir Ave. from Sedgwick Ave. to Goulden Ave.	No operational restrictions	X38-CG
Franz Seigal Park	E. 158 th Street between Grand Concourse and Walton Ave.	Mobile trucks and processing carts are prohibited at this location	X47-CG
Ciccarone Park	Corner of E. 188 th St. and Arthur Ave.	Mobile trucks and processing carts are prohibited at this location	X102-CG
Ferry Point Park	East road, near soccer fields #1, #3, and #4	No operational restrictions	X126(1)-C
Marble Hill Houses Playground	W. 230 th Street, Marble Hill Ave, and W. 228 th Street	No operational restrictions	X202-CG
Barretto Point Park	Viele Ave. from Tiffany St. to Barretto Street	No operational restrictions	X304-CG

BROOKLYN

<u>Park</u>	<u>Mobile Food Unit Location</u>	<u>Operational Restrictions</u>	<u>Property #</u>
Carroll Park	At Smith and Carroll Streets	No operational restrictions	B19-CG
Middleton Playground	Parkside, along Middleton Street	No operational restrictions	B22-CG
Red Hook Park	At the intersection of Bay Street and Henry Street	No operational restrictions	B126-CG
Wingate Park	Fenimore St. & Brooklyn Ave.	No operational restrictions	B254-CG
Underwood Playground	Waverly & Lafayette Aves.	Mobile trucks are prohibited at this location	B259-CG

MANHATTAN

<u>Park</u>	<u>Mobile Food Unit Location</u>	<u>Operational Restrictions</u>	<u>Property #</u>
Annunciation Park	135 th Street between Amsterdam and Convent Avenue	Mobile trucks are prohibited at this location	M3-CG
Allen Street Mall	Allen Street Mall, at the intersection of Allen and Delancey Streets	Mobile trucks are prohibited at this location	M4-3-CG
Tribeca Park	Tribeca Park, at the intersection of Tribeca and Beach Streets, parkside	Mobile trucks are prohibited at this location	M6-CG
Bowling Green	Broadway & Whitehall St	Mobile trucks are prohibited at this location	M7-CG
Central Park	Parkside, 5 th Ave. and 64 th Street	Mobile trucks are prohibited at this location	M10-E64-CG
Coleman Square Playground	At the intersection of Monroe & Market Sts., parkside	Mobile trucks are prohibited at this location	M19-CG
Duane Street Park (Hudson Triangle)	On Hudson Street, at the intersection of Hudson and Duane Streets.	Mobile trucks are prohibited at this location	M25-CG
Greeley Square	Broadway, Avenue of Americas, between West 32 & West 33 Sts	Mobile trucks are prohibited at this location	M32-CG

Madison Square Park	Northeast quadrant of the park, between East 25 th and 26 th Streets	Mobile trucks are prohibited at this location	M52-CG
Riverside Park	Hudson River Esplanade in front of Classic Playground (corresponds to 74 th Street)	Mobile trucks are prohibited at this location	M71-W74-CG
Riverside Park	Riverside Drive btw W 87-W 88 th Streets on the Overlook	Mobile trucks are prohibited at this location	M71-W87-CG
Riverside Park	89 th Street Promenade Overlook	Mobile trucks are prohibited at this location	M71-W89-CG
Riverside Park	Ballfield 4 (athletic level at approximately 103 rd Street) (access from 96 th Street)	Mobile trucks are prohibited at this location	M72-103-CG
Riverside Park	Northwest corner of Riverside Drive and West 145 th Street	Mobile trucks are prohibited at this location	M72-W145-C
Saint Nicholas Terrace	Between Convent Avenue and West 135 th Street, Behind City College	No operational restrictions	M77-CG
Schiff Mall Center Plots	Between Forsyth & Clinton Streets	Mobile trucks are prohibited at this location	M80-CG
Verdi Square	Triangular island located btw W 72 and W 73 Streets, Amsterdam Avenue and Broadway	Mobile trucks are prohibited at this location	M97-CG
Worth Square	Broadway, 5 th Avenue, between West 24 To West 25 Sts	Mobile trucks are prohibited at this location	M101-CG
Sara D. Roosevelt Park	On the sidewalk on the north side of the plaza, on the southern side of Houston Street, between Chrystie and Forsyth Streets	Mobile trucks are prohibited at this location	M105-CG
PS 1 Playground	At the intersection of Madison Street and Catherine Street, parkside	Mobile trucks are prohibited at this location	M196-CG
Bleecker Playground	Bleecker Playground, on the Hudson street side of Hudson and West 11 th Streets, at the south end of the playground	Mobile trucks are prohibited at this location	M251-CG
Soho Square (Green Street)	Across from park, Spring St. & Av. of Americas (6 Ave.)	No operational restrictions	MZ02-CG

QUEENS

<u>Park</u>	<u>Mobile Food Unit Location</u>	<u>Operational Restrictions</u>	<u>Property #</u>
Rockaway Beach	Beach 17 th Street	No operational restrictions	Q162-J-CG
Alley Pond Park	Alley Springfield - 76 th Avenue off Springfield Blvd, inside the parking lot	No operational restrictions	Q1-CG
Flushing Meadows Corona Park	Passarelle Plaza - David Dinkins Circle	Mobile trucks are prohibited at this location	Q99-P-CG

STATEN ISLAND

<u>Park</u>	<u>Mobile Food Unit Location</u>	<u>Operational Restrictions</u>	<u>Property #</u>
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Tappen Park	Canal and Bay Street	No operational restrictions	R28- CG
Clove Lakes Park	Royal Oak Road to Victory Blvd. to Clove Rd.	No operational restrictions	R28-R005-CG
Tottenville Park	Hylan Blvd. and Joline Ave.	No operational restrictions	R110-CG

C. ADDITIONAL REQUIREMENTS DURING THE PERMIT TERM

1. The concessionaire will be required to obtain any and all necessary approvals, permits, and licenses for the lawful operation of this concession.
2. The concessionaire will be required to operate and maintain the concession for the use and enjoyment of the general public.
3. The concessionaire will be required to submit a security deposit of 25% of the highest 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 with limits, per occurrence and aggregate, of at least \$500,000, naming 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. Proposers are on notice that the City may require higher liability limits if, in the opinion of the Commissioner, the proposed program warrants it. In addition, the concessionaire will be required to carry Worker's Compensation, Employer's Liability and Disability Benefits Insurance insofar as required by law and with such limits and terms as required by law.
5. Within sixty (60) days of the end of each operating year, the concessionaire will be required to submit an annual statement of gross receipts from all categories of income in a format approved in writing by Parks. In addition, the concessionaire must have available, at the request of Parks, monthly statements of gross receipts, as well as 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 I(A) above.
6. The Mobile Food Unit must have garbage receptacles present at all times. Concessionaires will be required to keep the Permitted Premises and the area within fifty (50) feet of the Permitted Premises clean and free of all waste, garbage, refuse, rubbish and litter at all times. The Concessionaire will be required, at its sole cost and expense, to provide adequate waste and recycling receptacles that are approved in writing by Parks and have these receptacles emptied on a daily basis and removed by a private carter. The concessionaire will be required to comply with all City, State, and Federal regulations regarding recycling. Rubbish removal schedules are subject to Parks' prior written approval.
7. 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.
8. The concessionaire will be required to cooperate with Parks during special and other unanticipated events during the Permit term.

9. 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.
10. 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, 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.
11. The concessionaire shall not block any sidewalk, pathway, park entrance or other pedestrian walkway with concessionaire's equipment or supplies. The concessionaire shall place concessionaire's equipment and supplies in such manner that at least a six (6) foot walkway is available to pedestrians at all times.
12. 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.
13. The concessionaire will be required to comply with all City, State and Federal laws relating to access for persons with disabilities. The concessionaire shall comply with all New York City, State and Federal requirements to provide safe and accessible recreational opportunities for everyone, including persons with disabilities. The concessionaire is encouraged to exceed accessibility requirements whenever possible, and not simply provide the minimum level required.
14. If the concessionaire does not comply with the terms of the Permit, the Permit may be terminated. Any warnings or terminations may be considered in making future proposer responsibility determinations.
15. The selling and/or advertisement of alcohol cigarettes, cigars, or any other tobacco products is strictly prohibited. The concessionaire will be required to adhere to and enforce this policy.
16. The use of polystyrene packaging for food containers will be prohibited in the operation of the concession. The sale of beverages in glass bottles is prohibited.
17. The concessionaire will be required to indemnify the City to the fullest extent permitted by law for losses associated with the concessionaire's actions under the Permit, pursuant to a provision to be included in the Permit.

II. THE RFP PROCESS/PROPOSAL PROCEDURE

A. PROPOSAL SUBMISSION INSTRUCTIONS

The proposal should be typed on both sides of 8 1/2" X 11" paper. Pages should be paginated. The City of New York requests that all proposals be submitted on paper with no less than 30% post-consumer material content, i.e., the minimum recovered fiber content level for reprographic papers recommended by the United States Environmental Protection Agency (for any changes to that standard please consult: <http://www.epa.gov/cpg/products/printing.htm>). The proposer should state whether its response is printed on recycled paper containing the minimum percentage of recovered fiber content as requested by the City in these instructions. Failure to comply with any of the instructions set forth in this paragraph will not be considered non-responsive.

No proposals should be submitted in plastic sleeves or spiral binders. Illustrations may be included. All plans are subject to Parks' written approval. Oversized drawings may be submitted, but must be accompanied by 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 one copy of your proposal (including one copy of all required attachments). If you are interested in operating a Mobile Food Unit at more than one vending location, please submit a complete proposal for each vending location.

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

- Proposer's Name & Address
- Solicitation # CWP-2010A
- Vending Location Property #
- Proposal Due Date: **Tuesday, June 15, 2010 at 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 year of operating term. Proposals must state a guaranteed annual flat fee. All proposals must include a flat fee offer for each year of the operating term. Proposals that do not state a guaranteed annual flat fee will not be considered. If a proposer offers any additional payment beyond the guaranteed annual flat fee, only the flat fee will be considered. 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 **money order, certified bank check, official bank check, or cashier's check in the amount of \$1,000.00 per vending location** 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 Tuesday, June 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. Proposers must submit a separate proposal, and separate proposal deposit, if applicable, for each vending location at which that they are interested in operating a Mobile Food Unit.
6. Pursuant to Local Law 34 of 2007, amending the City's Campaign Finance Law, the City is required to establish a computerized database containing the names of any "person" that has "business dealings with the city" as such terms are defined in the Local Law. In order for the City to obtain necessary information to establish the required database, proposers responding to this solicitation are required to

complete the attached Doing Business Data Form and return it with this proposal and should do so in a separate envelope. (If the responding proposer is a proposed joint venture, the entities that comprise the proposed joint venture must each complete a Data Form.) If the City determines that a proposer has failed to submit a Data Form or has submitted a Data Form that is not complete, the proposer will be notified by the agency and will be given four (4) calendar days from receipt of notification to cure the specified deficiencies and return a complete Data Form to the agency. Failure to do so will result in a determination that the proposal is non-responsive. Receipt of notification is defined as the day notice is e-mailed or faxed (if the proposer has provided an e-mail address or fax number), or no later than five (5) days from the date of mailing or upon delivery, if delivered.

C. PROPOSAL CONTENT GUIDELINES

Each proposal is expected to include the following:

1. Planned Operations

- Proposers should submit a detailed operational plan for the entire Permitted Premises including, but not limited to, hours of operation, menu and prices, staffing plans, safety and security plans, storage plans, any plans to use “Green Seal” or other environmentally friendly products or devices, mechanisms to measure customer satisfaction, and maintenance, rubbish removal, and cleaning schedules.
- Parks will view favorably an operational plan or proposals to make a significant improvement to the quality and ambience of the park, menus that are inventive and interesting and serve a variety of options beyond hot dogs and pretzels, and plans to use environmentally friendly products and practices.
- Parks will view favorably proposals that have limited utility needs. Parks will also view favorably the installation of Energy Star approved appliances and equipment, such as vending machines and commercial refrigerators, at the Permitted Premises, as well as proposals that include plans to use “Green Seal” eco-friendly products such as soaps, cleaners, light bulbs, paper towels, toilet paper and paint.
- Proposers should submit an estimated number of full-time and seasonal employees and the positions those employees will fill.
- Parks is charged with improving customer satisfaction with the services provided at facilities on parkland. Therefore, Parks would like proposers to explain in their submissions the mechanisms they would use to measure customer satisfaction with the services offered by this concession. Such mechanisms might include customer evaluations or survey forms. Further, Parks would like proposers to explain how they would improve the quality of services offered if the above mechanisms indicate a need to do so.

2. Fee Offer

- The City urges that there be an escalation of at least five percent (5%) per year (compounded annually) in the guaranteed annual flat fee over the Permit term.

3. 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. Include the name of the reference entity, a description of the nature of the listed reference's experience with the proposer and the name, title, address, and telephone number of a contact person at the reference entity.

4. Proposed Mobile Food Unit & Design

- Proposers should submit designs, photographs and/or renderings of the Mobile Food Unit they intend to use, including dimensions. All final designs of the successful proposer must be approved in writing in advance by Parks and other pertinent agencies before operation can commence.
- Parks will view favorably proposals that include Mobile Food Unit designs of a premium quality and are inventive, interesting and compliment the Permitted Premises (rather than traditional Mobile Food Unit designs often used for hot dog and pretzel pushcarts). Proposals should include a photo or visual schematic of the type of Mobile Food Unit to be used, including the dimensions of the Mobile Food Unit.
- Parks will view favorably plans and designs for the Mobile Food Unit that incorporate environmentally friendly practices.

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.

III. EVALUATION AND SELECTION PROCEDURES

Proposals will be evaluated by a selection committee composed of a minimum of three (3) Parks employees, in accordance with procedures established by the Franchise and Concession Review Committee, based on the criteria listed below. The concession will be awarded to the proposer whose submission the selection committee judges best overall based on these criteria.

A. PROPOSAL EVALUATION CRITERIA

In evaluating proposals, the Selection Committee will use the following criteria:

- Planned Operations (30%); see Section II(C)(1) above
- Fee offer (20%); see Section II(C)(2) above
- Operating experience (20%); see Section II(C)(3) above
- Proposed Mobile Food Unit & Design (15%); see Section II(C)(4) above
- Financial capability (15%); see Section II(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.

IV. OTHER GENERAL RFP REQUIREMENTS AND CONDITIONS

Park reserves the right to postpone or cancel this RFP or reject all proposals, if in its judgment it deems it to be in the best interest of the City 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, 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 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 the Permit is terminated, Parks will not reimburse concessionaire'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 the highest rated proposer 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). 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: _____	Transaction ID: _____
Check One: ☐ Proposal ☐ Award	Transaction Type (check one): ☐ Concession ☐ Contract ☐ Economic Development Agreement ☐ Franchise ☐ Grant ☐ Pension Investment Contract

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

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

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

Section 1: Entity Information

Entity Name: _____

Entity EIN/TIN: _____

Entity Filing Status (select one):

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

Entity is a Non-Profit: ☐ Yes ☐ No

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

Address: _____

City: _____ State: _____ Zip: _____

Phone : _____ Fax : _____

E-mail: _____

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

Section 2: Principal Officers

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

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

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

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

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

Home Address: _____

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

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

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

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

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

Home Address: _____

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

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

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

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

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

Home Address: _____

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

Section 3: Principal Owners

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

There are no owners listed because (select one):

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

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

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

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

Home Address: _____

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

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

Home Address: _____

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

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

Home Address: _____

Remove the following previously-reported Principal Owners:

Name: _____ Removal Date: _____

Name: _____ Removal Date: _____

Name: _____ Removal Date: _____

Section 4: Senior Managers

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

Senior Managers:

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

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

Home Address: _____

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

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

Home Address: _____

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

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

Home Address: _____

Remove the following previously-reported Senior Managers:

Name: _____ Removal Date: _____

Name: _____ Removal Date: _____

Certification

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

Name: _____

Signature: _____ Date: _____

Entity Name: _____

Title: _____ Work Phone #: _____

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

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



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

What is the purpose of this *Data Form*?

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

Why have I received this *Data Form*?

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

Contributions to City Council candidates are limited to \$250 per election cycle; \$320 to Borough President candidates; and \$400 to candidates for citywide office. Please contact the NYC Campaign Finance Board for more information at www.nycffb.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.