

SOLICITATION# Q15-Q99-SB-C-CL

REQUEST FOR PROPOSALS

THE RENOVATION, OPERATION, AND MAINTENANCE OF THE CAROUSEL AND SNACK BAR AND THE OPTIONAL DEVELOPMENT, OPERATION AND MAINTENANCE OF A FAMILY AMUSEMENT VENUE AT FOREST PARK, QUEENS, THE RENOVATION, OPERATION, AND MAINTENANCE OF THE CAROUSEL AND OPERATION OF THREE (3) MOBILE FOOD UNITS AND TWO (2) SOUVENIR CARTS AT FLUSHING MEADOWS CORONA PARK QUEENS



**ISSUE DATE:
APRIL 8, 2011**

**MICHAEL R. BLOOMBERG
ADRIAN BENEPE
ELIZABETH W. SMITH
DOROTHY LEWANDOWSKI**

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

www.nyc.gov/parks

REQUEST FOR PROPOSALS (RFP)

The City of New York Department of Parks & Recreation (“Parks”) requests proposals for the renovation, operation, and maintenance of the carousel and snack bar and the optional development, operation and maintenance of a family amusement venue at Forest Park, Queens, and the renovation, operation, and maintenance of the carousel and operation of three (3) mobile food units and two (2) souvenir carts at Flushing Meadow Corona Park, Queens.

THE TERM

Parks is seeking a concessionaire for one (1) fifteen-year term. The operation of the Forest Park location shall begin as soon as Parks enters into a concession agreement and issues a Notice to Proceed to the chosen concessionaire. The operation of the Flushing Meadows Corona Park location will begin upon termination of the current License Agreement, which is set to expire on March 30, 2012, and the issuance of a subsequent Notice to Proceed for that location. The new license term for both locations will end on December 31, 2025. No longer term will be considered. The concessionaire will operate pursuant to license issued by Parks; no leasehold or other proprietary right will be offered.

PROJECT MANAGER

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

Phone: (212) 360-3495

Email: evan.george@parks.nyc.gov

Fax: (212) 360-3434



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

RFP TIMETABLE

The following schedule has been established for this RFP:

RFP Release Date: Friday, April 8, 2011

Recommended Proposer

**Meetings & Site Tours: Wednesday, April 27, 2011 at 11:00 AM at Forest Park
Wednesday, April 27, 2011 at 1:00 PM at Flushing Meadows-Corona Park**

Proposals Due: Friday, May 13 at 3:00 PM



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

RECOMMENDED PROPOSER MEETINGS & SITE TOURS

There will be a recommended on-site proposer meeting and site tour for the Forest Park location on Wednesday, April 27, 2011 at 11:00 AM. We will be meeting at the proposed concession site (Block # 3312 & Lot # 2000), which is located at the Woodhaven Boulevard entrance to the park. You may park in the parking lot next to the band shell. We will be meeting in front of the entrance to the

carousel. The recommended on-site proposer meeting and site tour for the Flushing Meadows Corona Park location will be held on Wednesday, April 27, 2011 at 1:00 PM. We will be meeting at the proposed concessions site (Block # 2018 & Lot # 1) which is located near the entrance to Flushing Meadow-Corona Park at 111 Street and 55 Avenue. We will be meeting at the entrance to the Carousel, which is also adjacent to the entrance to the Flushing Meadows Zoo. If you are considering responding to this RFP, please make every effort to attend both of these recommended meetings and site tours.

I. PROJECT BACKGROUND

A. HISTORY & EXISTING CONDITIONS

Forest Park

The Forest Park Carousel holds some of the last surviving creations of master wood-carver Daniel Carl Muller. After emigrating from Germany in the 1880s, Muller settled in Philadelphia and opened D.C. Muller and Brother Co., which operated from 1903 to 1914. Muller crafted figures for twelve carousels in his lifetime; this carousel is one of only two that remain, with his fanciful interpretations of horses, unicorns, bears, and other menagerie animals. Muller worked with the Dentzel Company, another historically renowned carousel maker, on the Forest Park Carousel. William H. Dentzel constructed the frame in 1890 and Muller carved the animals in 1903. The carousel was first operated in 1903 in Dracut, Massachusetts, then taken apart and stored for later use.

A different carousel, also constructed by William H. Dentzel, turned on this spot until it burnt down on December 11, 1966. A wooden arm hung with a metal ring reached down from the ceiling, and any child who could take hold of the ring received a free ride. In 1972, while searching for a new carousel, concessionaire Restaurant Associates found the 1903 Muller carousel in the possession of Victor Christ-Janer, an architect in Connecticut. Christ-Janer had given several of the horses to his employees, but agreed to replace them in the sale.

After a full restoration the carousel operated until 1985, when it fell into disrepair and was all but forgotten for three years. It received another meticulous renovation in 1988 and began operating again in the summer of 1989. Today, only four other New York City parks operate carousels: Prospect Park in Brooklyn, Central Park in Manhattan, Flushing Meadows-Corona Park in Queens, and Willowbrook Park in Staten Island.

Forest Park is one of New York City's natural treasures. The Wisconsin glacier molded the land 20,000 years ago and left the Harbor Hill Moraine, creating a series of small hills, known as "knob and kettle" terrain, within Forest Park. The Brooklyn Parks Department sought to create a public park and purchased the first parcel on August 9, 1895, with acquisition of additional parcels continuing until 1898. The parkland was originally known as Brooklyn Forest Park, and was incorporated into greater New York with the consolidation of the five boroughs in 1898. At that time, the Brooklyn Parks Department managed parks in what is now all of Queens and Brooklyn. It was not until 1911 that an independent Queens Parks Department was established for the borough. Today, Forest Park offers a wide array of facilities, such as the George Seuffert, Sr., Bandshell, the bridal path, tennis courts, playgrounds, a golf course and Victory Field.

Flushing Meadows Corona Park

This 1,255-acre park has historical, recreational, and environmental significance. Flushing Meadows Corona Park is historically important not just to New York, but to the entire country. In the 1930s, in the period's largest reclamation project in the United States, Robert Moses converted the swampy area into a 1,200-acre fairground for the 1939 World's Fair.

The fairground-turned-park hosted its second World's Fair in 1964. The structures that remained from the two fairs became the foundation for the growing park, and the Unisphere--left from the 1964 Fair and recently designated as a city landmark--has become the park's most well-known symbol.

Two professional sports facilities are located within Flushing Meadows Corona Park: Citi Field, home to the New York Mets, and the USTA National Tennis Center, available for public play and tournaments. Since 1978, the United States Open tennis tournament has been held at the USTA National Tennis Center.

Cultural institutions in the park are plentiful, appealing to a wide variety of interests. Today, the New York Hall of Science, a relic from the 1964 World's Fair, houses a hands-on science and technology museum. Fine arts exhibitions, performances, and films are presented at the Queens Museum of Art. The visual arts center also displays the world's largest architectural model of an urban area. Animal lovers can enjoy the exhibits of North American animals in natural settings at the Queens Wildlife Center. The adjacent Children's Farm features domestic animals. The 39-acre Queens Botanical Garden is filled with garden displays and tree and flower collections.

One of the City's four vintage carousels, the Flushing Meadows Corona Park Carousel is an example of the "Illions" style. The Flushing Meadows Corona Park Carousel is a combination of two earlier Coney Island carousels, the Feltman Carousel (ca. 1903) and the Stubbman Carousel (ca. 1908). The Flushing Meadows "hybrid" debuted at the 1964 World's Fair. The carousel is one of only six existing examples of Marcus Charles Illions' work. Illions (ca. 1871-1949) was born in Poland and ran away from a woodcarving apprenticeship to England. Illions found employment in Frederick Savage's carousel company in England and honed his carving skills before immigrating to Brooklyn, and opening a shop on Dean Street. Illions mastered a flashy, colorful style that suited the excitement of Coney Island. Carlos Colon, at one time the carousel's operator, was responsible for the whimsical colors of the horses, and the carousel stands today as one of Flushing Meadows Corona Park's most loved artifacts from the site's World's Fair days.

The Flushing Meadows Corona Park carousel borders the Queens Zoo and is very close to the Queens Museum of Science, both of which draw large numbers of families with children to the park. The concession is accessed most easily from the 111th Street entrance, which has a large parking lot. In addition, the carousel is next to an extremely well used portion of the park that sees a large number of visitors, many of whom are families with children.

Licensed Premises

The Forest Park and Flushing Meadows Corona Park locations, as described below combined make up the "Licensed Premises" for this concession.

Forest Park Location

The Forest Park location is approximately 8,000 square feet and will consist of the carousel, snack bar, ticket booth, and a seating area. The carousel contains 49 horses, a lion, a tiger, a deer, and two chariots arranged in three concentric circles. The carousel also contains a non-operational original carousel band organ and is enclosed by drop down gates and wrought iron gates. In addition, the carousel has a non-operational fire suppression system. The seating area is approximately 900 square feet and currently has 7 wooden picnic tables. The Forest Park location is enclosed by a chain link fence. The Forest Park location also includes several trees and is surrounded by vegetation which the concessionaire will be required to maintain. In addition to the carousel, the Forest Park location has a snack bar that will require capital investment for refurbishment. The snack bar is approximately 1,000 square feet and has a food preparation area, an office space, walk-in refrigerator, and additional storage space.

If a proposal includes the optional amusement venue, the Forest Park location would expand to include the open area to the east of the carousel. This area slopes down to the low, wrought iron fence along Woodhaven Boulevard. Parks envisions an amusement venue that would include small rides that cater to ages twelve (12) years old and younger.

Flushing Meadows Corona Park Location

The Flushing Meadows Corona Park location is approximately 7,000 square feet and is cordoned off by an iron fence with a large swinging gate and contains the carousel, several permanent benches, two storage containers (which are the property of Parks and will be removed prior to the start of operations at the Flushing Meadows Corona Park location), a paved area for the placement of tables and chairs, a ticket booth, and a small grassy area. The carousel has 70 figures in four concentric circles, a non-operational organ, and is enclosed with drop down gates and a 3 foot chain link fence. In addition, the carousel has a non-operational fire suppression system. The Flushing Meadows Corona Park location also includes several trees and is surrounded by vegetation which the concessionaire will be required to maintain.

B. FINANCIAL HISTORY

Forest Park Location

The following chart lists the gross receipts, guaranteed minimum annual fees, and fees paid to Parks by the previous concessionaire for the Forest Park location for operating years 2004 to 2007. In the last agreement, the fee paid to Parks was the higher of the minimum annual fee or percentage of gross receipts. However, in responding to this request for proposal, proposers should express their fee offer only as a flat fee, and not on a percentage of gross receipts.

| <u>Operating Year*</u> | <u>Gross Receipts</u> | <u>Guaranteed Minimum Annual Fee</u> | <u>Percentage of Gross Receipts</u> | <u>Fees Paid to Parks</u> |
|------------------------|-----------------------|--------------------------------------|-------------------------------------|---------------------------|
| 2004 | \$63,000 | \$15,000 | 10% | \$15,000 |
| 2005 | \$76,000 | \$15,000 | 10% | \$15,000 |
| 2006 | \$44,000 | \$17,500 | 10% | \$17,500 |
| 2007 | \$73,000 | \$17,500 | 10% | \$17,500 |
| 2008 | \$72,000 | \$20,000 | 10% | \$20,000 |

[*Operating Year was June – May]

Flushing Meadows Corona Park Location

The following chart lists the total gross receipts, minimum annual fees, percentage of gross receipts, and fees paid to Parks by the current concessionaire at Flushing Meadows Corona Park location for years 2000 to 2011 of the current operating term. In the last agreement, the fee paid to Parks was the higher of the minimum annual fee or percentage of gross receipts. However, in responding to this request for proposal, proposers should express their fee offer only as a flat fee, and not on a percentage of gross receipts.

| <u>OPERATING YEAR*</u> | <u>CAROUSEL RIDES GROSS RECEIPTS</u> | <u>FOOD SALES GROSS RECEIPTS</u> | <u>TOY SALES GROSS RECEIPTS</u> | <u>OTHER** GROSS RECEIPTS</u> | <u>TOTAL GROSS RECEIPTS</u> | <u>GUARANTEED MINIMUM ANNUAL FEE</u> | <u>PERCENTAGE OF GROSS RECEIPTS</u> | <u>FEES PAID TO PARKS</u> |
|------------------------|--------------------------------------|----------------------------------|---------------------------------|-------------------------------|-----------------------------|--------------------------------------|-------------------------------------|---------------------------|
| 2000 | \$60,421 | \$59,319 | \$17,590 | | \$137,330 | \$29,150 | 10% | \$29,150 |
| 2001 | \$68,359 | \$44,642 | \$23,405 | | \$136,386 | \$36,150 | 10% | \$36,150 |
| 2002 | \$94,662 | \$73,972 | \$31,186 | | \$199,820 | \$36,150 | 10% | \$36,150 |
| 2003 | \$80,062 | \$74,041 | \$31,678 | | \$185,781 | \$50,500 | 10% | \$50,500 |
| 2004 | \$81,163 | \$73,603 | \$34,295 | | \$189,061 | \$50,500 | 10% | \$50,500 |
| 2005 | \$74,590 | \$70,427 | \$25,620 | | \$170,637 | \$65,000 | 10% | \$65,000 |
| 2006 | \$73,904 | \$69,817 | \$22,403 | \$2,321 | \$168,445 | \$67,500 | 10% | \$67,500 |
| 2007 | \$115,870 | \$82,708 | \$35,990 | \$645 | \$235,213 | \$70,000 | 10% | \$70,000 |
| 2008 | \$125,278 | \$98,768 | \$35,916 | \$625 | \$260,587 | \$75,000 | 10% | \$75,000 |
| 2009 | \$164,608 | \$107,728 | \$31,260 | \$1,200 | \$304,796 | \$80,000 | 10% | \$80,000 |

[*Operating Year is March - December]

[**Other Gross Receipts represents special event fees, which the concessionaire did not do prior to 2006]

II. PROJECT COMPONENTS

A. OVERVIEW

Parks is seeking proposals for the renovation, operation, and maintenance of the carousel and snack bar and the optional development, operation and maintenance of an amusement venue at Forest Park, Queens, and the renovation, operation, and maintenance of the carousel and operation of three (3) mobile food units and two (2) souvenir carts at Flushing Meadow Corona Park, Queens.

Project Components Specific to the Forest Park Location

Operational Plan

Proposers should submit a detailed operational plan for the Forest Park location. This plan should include, but not be limited to, intended use of the facility, hours of operation, services to be provided, any plans to install energy efficient appliances that have the Energy Star seal of approval and/or water conserving appliances, and any plans to use “Green Seal” or other environmentally friendly products or devices, staffing plans, safety and security plans, menu, merchandise to be sold, a detailed list of all proposed fees and prices, landscaping/horticulture plans, mechanisms to measure customer satisfaction, and maintenance, snow, rubbish removal, and cleaning schedules.

All plans, schedules, services, menu items, merchandise, prices and fees, and hours of operation are subject to Parks’ prior, written approval.

The Food Service Facility at the Forest Park Location

The concessionaire will be required to renovate, operate and maintain the food service facility at the Forest Park location at a high standard of quality. The food service facility 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 menu and price list in their proposals that demonstrates quality, variety, and affordability. Proposers should include some low-cost items on their menus. Parks will view favorably proposals which incorporate ethnically diverse and/or healthy food choices, such as salads, fresh fruit, yogurt, nuts, granola bars, protein bars, bottled water, juices, smoothies, etc. All prices and menu items are subject to Parks' prior written approval.

The concessionaire will be required to maintain adequate inventory to assure a constant supply of food and beverages. 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 and Mental Hygiene ("DOHMH") permits. **The concessionaire may only operate the food service facility if he or she has obtained the appropriate, valid permits and authorizations required by DOHMH.**

DOHMH Information

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

Food Service Facility Sublicensing Option

Proposers seeking to sublicense food service operations at Forest Park will be required to report total gross receipts generated from food service. Total gross receipts from food service operations must be included in the gross receipts upon which payment to the City is based. All sublicensing agreements and operations are subject to Parks' prior, written approval.

Alcoholic Beverages

Alcoholic beverages may be served to complement the food service, provided that the concessionaire obtains the appropriate license(s) from the State Liquor Authority (SLA). Alcoholic beverages may only be served in the immediate vicinity of the Licensed Premises and/or in a cordoned-off area if exterior seating is proposed and must be consumed on the Licensed Premises within designated areas. All efforts must be made to keep alcohol consumption discreet. The operator must keep in mind that this is a public park and the consumption of alcohol should be encouraged only as an accompaniment to the cuisine.

Hours of Operation

The concessionaire may only operate the Forest Park location when the park is open. At minimum, the concessionaire will be required to operate the facility during the months of April through September from 11:00 am until sunset, seven days per week, weather permitting. All hours of operation are subject to Parks' prior written approval. Notwithstanding the foregoing, the concessionaire shall have the option not to operate at the Forest Park location during any unprofitable hours but shall give the Commissioner prior written notice and request approval of any plans to alter approved operating hours due to unprofitable operations. If the request is granted by the Commissioner, the concessionaire will continue to be responsible for all other obligations under the License Agreement, including the payment of all license fees.

Optional Amusement Venue at the Forest Park Location

The concessionaire may develop, operate, and maintain an amusement venue, which may include rides, games, and other amusement attractions. Proposers should include a complete list of the attractions they intend to operate at the Forest Park location in their proposals. The operation of any given attraction at the Forest Park location is subject to Parks' prior written approval.

Project Components Specific to the Flushing Meadows Corona Park Location

Operational Plan

Proposers should submit a detailed operational plan for the Flushing Meadows Corona Park location. This plan should include, but not be limited to, intended use of the facility, hours of operation, services to be provided, any plans to install energy efficient appliances that have the Energy Star seal of approval and/or water conserving appliances, and any plans to use "Green Seal" or other environmentally friendly products or devices, staffing plans, safety and security plans, menu, merchandise to be sold, programming plans, a detailed list of all proposed fees and prices, landscaping/horticulture plans, mechanisms to measure customer satisfaction and maintenance, snow, rubbish removal, and cleaning schedules.

All plans, schedules, services, menu items, merchandise, prices and fees, and hours of operation are subject to Parks' prior, written approval.

Three (3) Mobile Food Units at Flushing Meadows Corona Park Carousel

The concessionaire will be required to operate three (3) mobile food units for the sale of snack food items such as hot dogs, soft drinks, and non-alcoholic beverages within the Flushing Meadows Corona Park location. Parks will view favorably proposals which incorporate ethnically diverse and/or healthy food choices, such as salads, fresh fruit, yogurt, nuts, granola bars, protein bars, bottled water, juices, smoothies, etc. The concessionaire may also attach to each of the three (3) optional mobile food units a 3' x 3' freezer cart for the sale of ice cream products in warm weather or a 3' x 3' nut cart for the sale of nuts and dried fruit in cold weather.

The mobile food units may either be pushcarts or processing carts:

- **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 carts 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.

Items currently sold and their prices are listed below. The sale of additional items which are not listed below is subject to the prior written approval of Parks. The concessionaire will be expressly prohibited from charging higher prices for any of these items unless the concessionaire receives written approval from Parks; however, the concessionaire may charge a lower price than what is listed:

| <u>Item</u> | <u>Price</u> |
|---|---------------------|
| Hot dogs (10 to the pound) | \$2.00 |
| Sausage | \$3.00 |
| Polish sausage | \$3.00 |
| Soda (12 fl. oz) | \$1.25 |
| Soda (20 fl. oz., plastic bottle only) | \$3.00* |
| Juice (20 fl. oz., plastic bottle only) | \$2.00 |
| Snapple (20 fl. oz. plastic bottle only) | \$3.00 |
| Specialty Soda and Juice (12 fl. oz.) | \$1.25 |
| Pretzels | \$2.00 |
| Pretzel Dogs | \$4.00 |
| Specialty pretzels | \$3.00 |
| Knishes | \$2.00 |
| Empanadas (Pre-processed) | |
| Chicken, Beef or Vegetable | \$3.00 |
| Milk Chillers | \$3.00 |
| Regular potato chips | \$0.50 |
| Pringles | \$1.00 |
| Apple Chips | \$1.50 |
| Pirates Booty | \$1.50 |
| Churros | \$3.00 |
| Red Bull beverage | \$3.00 |
| Bottled water (24 fl. oz.) | \$2.00 |
| Apple & Eve drink | \$3.00 |
| Gatorade (20 fl. oz.) | \$3.00 |
| Vitamin Water (20.0 fl. oz.) | \$3.00 |
| Sobe Water (20.0 fl. oz) | \$3.00 |
| Super C Energy drink | \$1.00 |
| Sparkling Water (1.5 fl. liters) | \$3.00 |
| San Pellegrino (16.9 fl. oz.) | \$4.00 |
| Aqua Panna (25.3 fl. oz.) | \$4.00 |
| San Pellegrino Limonata or Aranciata (11.15 fl.oz.) | \$2.00 |

* Concessionaires who sell this item must always have and display 12 oz. cans of soda with prices on display items.

Note: If the concessionaire wishes to sell brands other than those listed above or sell an item at a price higher than those listed above, the concessionaire must receive prior written approval from Parks.

Ice Cream Products

Regular brands, including Good Humor, Nestle's Ice Cream Bars, and other approved brands:

| <u>Item</u> | <u>Price</u> |
|--|---------------------|
| Good Humor Ice Cream Bars (Includes Toasted Almond, Strawberry Shortcake, Oreo, Candy Center Crunch, Chocolate Eclair, Cookies & Cream, Dark & Milk Chocolate Bars) | \$3.00 |
| Edy's Dibs | \$3.00 |
| King Cone | \$3.00 |
| Ice Cream Sandwiches | \$3.00 |
| Nestle's Toll House Cookie Sandwich | \$3.00 |

Other approved brands:

| <u>Item</u> | |
|------------------------|--------|
| SpongeBob Bars | \$2.00 |
| Popsicle Shots | \$2.00 |
| Frozen Fruit Bars/Pops | \$2.00 |
| Popsicles | \$2.00 |
| Scooby Doo Push up | \$2.00 |
| Nestle Ice Cream Bars | \$2.00 |

Premium brands, including Haagen-Dazs and Ben & Jerry's or other approved brands:

| <u>Item</u> | <u>Price</u> |
|---------------------------------------|--------------|
| Premium Vanilla Bar | \$4.00 |
| Premium Almond Bar | \$4.00 |
| Vanilla Milk Chocolate Bar | \$4.00 |
| Chocolate/Dark Chocolate Bar | \$4.00 |
| Dove Bar | \$4.00 |
| Ben & Jerry's Vanilla Peace Pop | \$4.00 |
| Ben & Jerry's Cherry Garcia Peace Pop | \$4.00 |

Note: If the concessionaire wishes to sell brands other than those listed above or sell an item at a price higher than those listed above, the concessionaire must receive prior written approval from Parks.

Nut and Dried Fruit Products

| <u>Item</u> | <u>Price</u> |
|------------------------------|--------------|
| Peanuts | \$3.00 |
| Almonds | \$3.00 |
| Cashews | \$3.00 |
| Pistachios | \$3.00 |
| Honey roasted nuts | \$3.00 |
| Coconuts | \$3.00 |
| All varieties of dried fruit | \$3.00 |

Note: All nuts and dried fruit must be sold in 8 oz. bags.

Design Specifications for Mobile Food Units

Proposers should be aware that should the concessionaire will be required to provide new or like new mobile food units of a professional quality. The design of the mobile food units is subject to Parks' prior written approval. Mobile food units cannot be more than ten (10) feet long including all handles and extensions. Concessionaires that use twenty pound (20 lb.) or greater propane tank(s) to fuel grills on a mobile food unit are required to obtain a Certificate of Fitness license from the New York City Fire Department (FDNY). Such propane tank(s) must be inspected and decalated by FDNY before use on Licensed Premises. Violators will be subject to fines and confiscation of propane tanks.

All mobile food units, umbrellas, canopies and other equipment attached to mobile food units shall be of a design and color approved by Parks. In addition, the concessionaire shall repair or replace the above if Parks deems necessary.

DOHMH Information

The concessionaire will be required to obtain a permit from the New York City Department of Health and Mental Hygiene (DOHMH) for each mobile food unit and a DOHMH vendor license for each person

designated as an operator of the mobile food units. The concessionaire may not operate the mobile food units until these permits and licenses have been obtained and presented to Parks. To obtain a DOHMH license or permit, contact the New York City Licensing Department, 42 Broadway, 5th floor, Monday through Friday 8:30 a.m. to 5:00 p.m., or by phone at (212) 487-4104 or (212) 487-4105. The concessionaire should be aware that if he or she is applying for a DOHMH license for the first time, this process can take six (6) or more weeks. If the mobile food units are found to be operating at the Licensed Premises and the concessionaire has failed to obtain the necessary licenses and permits, the concessionaire and mobile food unit operators may be subject to fines and/or confiscation of merchandise and vending unit(s). Proposers should also note effective January 1, 2004, all mobile food unit operators are required to successfully complete a course in food protection from DOHMH in order to receive a new or renewed vendor license.

Permit Decal

The concessionaire will receive a permit decal from Parks for each mobile food unit and the souvenir cart(s) upon registration of the License Agreement and once the necessary DOHMH licenses and permits have been obtained and presented to Parks. A new decal will be issued for each year of operation, provided that the concessionaire complies with the requirements of the License Agreement. If the concessionaire loses a decal, the concessionaire will be charged a fee of \$50.00 for each replacement decal.

Non-Motorized Souvenir Carts at Flushing Meadows Corona Park Location

The concessionaire will be required to operate two (2) non-motorized souvenir carts for the sale of gifts and souvenirs. The concessionaire may sell gift and souvenir merchandise relating to New York City, Parks, and/or specific tourist attractions in the vicinity of Flushing Meadows Corona Park. Parks will not permit the sale of gift and souvenir merchandise promoting musicians, entertainers, sports figures, cartoon characters, commercial products or non-park-related events. All prices for the gift and souvenir merchandise to be sold are subject to Parks' prior written approval.

Proposers 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 will be required to purchase merchandise from authorized licensees of the City of New York.

The sale of counterfeit merchandise at the Licensed Premises will result in the immediate termination of the License Agreement and forfeiture of the security deposit.

The range of prices for the gift and souvenir merchandise that is currently sold at the Flushing Meadows Corona Park location is from \$2.00 to \$10.00.

The design and size of the two (2) non-motorized souvenir carts for the sale of gifts and souvenirs is subject to Parks' prior written approval.

Hours of Operation

The concessionaire may only operate the Flushing Meadows Corona Park location when the park is open. At minimum, the concessionaire will be required to operate the facility during the months of April through September from 11:00 am until sunset, seven days per week, weather permitting. All hours of operation are subject to Parks' prior written approval. Notwithstanding the foregoing, at its sole discretion, but based upon written request from Licensee, Parks may allow changes to Licensee's approved operating hours/schedule. If the request is granted by the Commissioner, the concessionaire will continue to be responsible for all other obligations under the License Agreement, including the payment of all license fees.

Project Components Applicable to Both Locations/Licensed Premises:

Carousels

The concessionaire will be required to renovate, operate and maintain both carousels. Admission rates and subsequent increases are subject to the prior written approval of Parks. As a point of reference, the current approved admission rate for Parks carousels is below:

| | |
|------------------------------|--|
| Flushing Meadow Corona Park: | Single Ride \$2.00 |
| Forest Park: | Single Ride \$2.00 |
| Central Park: | Single Ride \$2.00 |
| Willowbrook Park: | Single Ride \$1.50 |
| Prospect Park: | Single Ride between \$1.50 and \$2.00 (book of 5 tickets for \$9.00) |

Photographic Services

The concessionaire may sell from within the Licensed Premises, from a merchandise cart or other customer service facility, photographs of customers and other subjects relating to New York City, Parks, and/or specific tourist attractions in New York City, including without limitation, both carousels. To the extent that any photographs include depictions of customers or subjects other than Parks property, concessionaire will be responsible for obtaining any rights or clearances required for sales of such materials.

Staff

The concessionaire will be required to have a sufficient number of staff available at the Licensed Premises during regular operating hours to ensure proper operation of the concession. Parks reserves the right to require that all staff wear uniforms that have been approved in writing by Parks.

Storage

Parks makes no representations that there is adequate storage space at the Licensed 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 Licensed Premises without the prior, written approval of Parks. No item shall be placed upon any public space, including the ground adjacent to the Licensed Premises without Parks' prior, written approval. The concessionaire will be required to store all outdoor equipment on a nightly basis and anytime the concession is closed.

Maintenance

The concessionaire will be required, at its sole cost and expense (or through arrangements with third parties), to renovate, operate, and maintain the Licensed Premises in good and safe condition and in accordance with industry standards. This includes, but is not limited to, the maintenance and repair of the entire Licensed Premises, all interior and exterior structures, building systems, utility systems and connections, sewer systems and connections, equipment, lighting, sidewalks, paved areas, mechanical and external aspects of the carousels, carousel organs, inner facade panels, engine and mechanical system, security and alarm system, gates, ticket booths, carousel figures, sound equipment, vaults, gutters, curbs, and fixtures. In addition, all signs and structures on the Licensed Premises must be kept in good condition and free of graffiti. The erecting of any ancillary structures at the Licensed Premises shall be subject to Parks' prior written approval.

Horticulture & Landscaping

The concessionaire will be required to maintain and improve the landscaping at the Licensed Premises. This shall include, but is not limited to, performing any seeding, trimming, pruning, planting, fertilization, terrain shaping, and soil improvements. In addition, Parks requires that any trees on the Licensed Premises be pruned as needed. The concessionaire will be required to submit detailed plans to Parks of

all horticultural and landscaping work to be performed. All work to be performed at the Licensed Premises is subject to Parks' prior written approval. In addition, the concessionaire will be required to obtain all necessary permits, approvals, and authorizations from all City, State, and Federal agencies having jurisdiction over the Licensed Premises before any work is performed, and such work shall be of a quality which meets Parks' standards.

Snow, Rubbish Removal & Recycling

The concessionaire will be responsible for, at its sole cost and expense, clean-up and removal of all snow, waste, garbage, refuse, rubbish and litter from the Licensed Premises and the area within fifty (50) feet of the Licensed Premises. The concessionaire will be required to provide adequate and easily accessible waste and recycling receptacles, approved by Parks, and have these receptacles emptied on a daily basis and removed by a private carter. The location and placement of all waste and recycling receptacles is subject to Parks' prior written approval. The concessionaire will be required to comply with all City, State, and Federal regulations regarding recycling. In addition, the concessionaire will be required to demonstrate to Parks' satisfaction, through a detailed maintenance plan, that they will keep and maintain the concession site in excellent condition throughout the license term.

Signage & Advertising

The concessionaire will be required to prominently display signage at the Licensed Premises listing all prices, rates, and hours and days of operation. The design and placement of all signage, including signage which includes the concessionaire's name, trade name(s) and/or logo(s), is subject to Parks' prior written approval. The concessionaire will be prohibited from placing or permitting the placement of advertisements in the Licensed Premises without the prior written approval of Parks. The display or placement of tobacco advertising shall be prohibited. The advertising of alcoholic beverages shall not be permitted.

In the event advertising is allowed, the following standards will apply: Any type of advertising which is false or misleading, which promotes unlawful or illegal goods, services or activities, or which is otherwise unlawful including, but not limited to, advertising that constitutes the public display of offensive sexual material in violation of Penal Law Section 245.11 shall also be prohibited. Any such prohibited material displayed or placed shall be immediately removed by the Licensee upon notice from Parks. In addition, the advertising of product brands is prohibited without Parks' prior written approval. Any and all signage is subject to Parks' written approval.

Internal Controls

Throughout the License term, the concessionaire will be required to maintain a revenue control system to ensure the accurate and complete recording of all revenues, in a form and manner acceptable to the City. Sales information must be recorded in a form acceptable to Parks and posted daily in a formal set of books or records of account. The concessionaire must also establish a dedicated bank account for all deposits related to this concession's revenue. All accounting and internal control related records shall be maintained for a minimum of ten (10) years from the date of creation of the record.

Naming of the Concession

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

Utilities

Parks makes no representations regarding the adequacy of utilities currently in place at the Licensed Premises. The concessionaire will be required to connect to and/or upgrade any existing utility service or create a new utility system, and obtain the appropriate permits and approvals. The concessionaire will be required to pay for any and all utility costs connected with the operation of this concession during the License term. These utility costs include, but are not limited to paying all water and sewer charges that the New York City Department of Environmental Protection (“DEP”) assesses for water usage.

Drought & Water Conservation Issues

The concessionaire will be required to adhere to all DEP directives and restrictions regarding drought and water conservation issues during the License term. Proposals should include any plans to employ methods and equipment which will conserve water.

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 Licensed 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, preservation of natural areas, and the use of environmentally friendly products.

Parks views favorably the installation of Energy Star approved appliances and equipment, such as vending machines and commercial refrigerators, at the Licensed 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 Licensed Premises. Additionally, Parks will encourage the use of environmentally friendly cleaners and the selling of sustainable food products. Proposers can consult the web site of the Green Restaurant Association (“GRA”) to locate GRA-endorsed products. Please visit <http://www.dinegreen.com> for more information. In addition to the use of environmentally friendly products, Parks will encourage the successful proposer to train staff on environmentally friendly food service practices and to utilize a composting service to dispose of food waste.

Special Events

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

such activities or events. All revenue generated through such special events must be reported to Parks as Gross Receipts.

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

Security

The concessionaire, at its sole cost and expense, shall be responsible for all security at the Licensed Premises and surrounding parkland year round and shall provide a 24 hour-a-day security system at the Licensed Premises in accordance with plans approved by Parks in writing in advance. The concessionaire will be required to secure the Licensed Premises and any other equipment every evening.

Safety

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

Community Relations

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

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.

Identification & Address

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

Inspections & Liquidated Damages

Inspectors from Parks will visit the site unannounced to inspect operations and ensure proper maintenance of the concession site. 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 License Agreement 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 License Agreement, 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. If the concessionaire fails to cure the violation within the timeframe set forth in the notice, Parks may, at its option, in addition to any other remedies available to it,

assess liquidated damages and/or suspend or terminate the License Agreement. Parks may impose a \$250 administrative fee for reinstatement of a suspended license. 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 |
| Graffiti | \$350 |
| Mobile Food Unit Obviously Damaged or in Poor Repair (Flushing Meadows Corona Park Location Only) | \$250 |
| Dirty Mobile Food Unit (Flushing Meadows Corona Park Location Only) | \$350 |
| Unauthorized Advertising | \$100 |
| Roving or Vending at Unauthorized Location | \$250 |
| Improper Storage | \$350 |
| Dirty Cart or Umbrella | \$350 |
| Sticker Expired or Not Displayed | \$250 |
| Vending without valid DOHMH Mobile Food Vendor's License (Flushing Meadows Corona Park Location Only) | \$350 |
| Vending without valid DOHMH Mobile Food Unit License (Flushing Meadows Corona Park Location Only) | \$350 |
| 311 sign not displayed | \$250 |
| 12 oz. soda not available or not displayed when 20 oz. size is available | \$250 |
| Operating without applicable permit(s) or license(s) | \$350 |

Procedure for Appeals of Assessments To Concession License 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, etc) 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 to hold a hearing or to speak to the concessionaire in person.

Access to Licensed Premises

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

No Exclusive Vending Rights

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

Music & Sound Levels

The concessionaire will be required to comply with all laws, rules and regulations of appropriate agencies, specifically the Department of Environmental Protection (DEP), regarding noise levels, and concessionaire shall be responsible for payment of any and all fees or royalties to the American Society of Composers, Authors and Publishers (ASCAP), Broadcast Music, Inc. (BMI), or such other entity as they may require for such music or music programming. The concessionaire may operate and play sound equipment and music only at a sound level reasonably acceptable to the Commissioner. All music programming at the Licensed Premises must be carousel or amusement themed and any musical programming or other types of entertainment must be approved by Parks. **A cabaret license will be strictly prohibited at the Licensed Premises.**

Tables, Chairs & Umbrellas

The concessionaire may place tables, chairs and umbrellas at the Licensed Premises. The design, color, placement, and number of all tables, chairs, umbrellas and food service facility equipment are subject to Parks' prior, written approval. The concessionaire must ensure free and open public access to any outdoor seating areas.

B. CAPITAL IMPROVEMENTS

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 Licensed Premises. Parks will view favorably proposals that include "green building" design elements and encourages the use of environmentally friendly products for all repairs and capital improvements. A list of products/materials relating to environmentally-friendly practices in City construction projects is available in the *New York City EPP Minimum Standards for Construction Products*. A hard copy of the

standards may be obtained from the agency or on the web at: http://www.nyc.gov/html/mocs/html/programs/other_epp.shtml.

Improvements & Repairs

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

Forest Park Location

Carousel

- Maintain and repair mechanical equipment in accordance with the City of New York Department of Building's (DOB) codes and standards, as needed.
- Restore and maintain all figures (horses and chariots), as needed
- Restore and maintain the historic carousel organ, as needed
- Paint and restore interior wood ceiling, soffit, cupola, walls and trim to match their original historic design and colors, as needed
- Maintain and repair lighting, as needed
- Stain, repair and/or replace benches, as needed
- Repaint ticket booth, as needed
- Repair roofing, as needed
- Repair or replace roof gutters, as needed
- Repaint and restore roof tower, as needed
- Repair fire suppression system, as needed
- Install security system, as needed
- Make horticulture improvements, as needed

Note: Any restoration work done on carousel horses or other figures must preserve the character and historical significance of the figures and should be done in-situ; horses/figures may not be removed from the park without the prior written approval of Parks. The concessionaire will not be permitted to make molds of the carousel figures or to replicate the figures for sale or auction.

Snack Bar

The concessionaire will be expected to perform the following improvements and repairs to the snack bar:

- Repaint inside and outside, as needed.
- Repair roof, as needed.
- Replace picnic tables, as needed.
- Provide all equipment necessary for the successful operation of the snack bar.

The Optional Amusement Venue

If a proposal includes the optional amusement venue, the proposer should include a detailed layout of the proposed equipment setup within the Forest Park location, including installation details, utility needs, etc. The concessionaire will be required to arrange for a detailed structural study by a licensed engineer, approved in writing by Parks, for the setup of relevant apparatuses with appropriate anchor systems. The concessionaire will be required to provide Parks with as-built drawings, including all anchoring and structural systems upon completion of the installation. All plans are subject to Parks' prior written approval.

Flushing Meadows Corona Park Location
Carousel

- Maintain and repair mechanical equipment in accordance with the DOB codes and standards, as needed.
- Restore and maintain all figures (horses and chariots), as needed
- Restore and maintain the historic carousel organ, as needed
- Paint and restore interior wood ceiling, soffit, cupola, walls and trim to match their original historic design and colors, as needed
- Maintain and repair lighting, as needed
- Stain, repair and/or replace benches, as needed
- Repaint ticket booth, as needed
- Repair roofing, as needed
- Repair or replace roof gutters, as needed
- Repaint and restore roof tower, as needed
- Repair fire suppression system, as needed
- Install security system, as needed
- Make horticulture improvements, as needed

Note: Any restoration work done on carousel horses or other figures must preserve the character and historical significance of the figures and should be done in-situ; horses/figures may not be removed from the park without the prior written approval of Parks. The concessionaire will not be permitted to make molds of the carousel figures or to replicate the figures for sale or auction.

Americans with Disabilities Act (“ADA”) Compliance

The concessionaire shall be required to provide ADA accessibility throughout the Licensed Premises, including but not limited to, installing ramps, as needed, and providing ADA signage. The concessionaire shall comply with all City, State, and Federal requirements to provide safe and accessible recreational opportunities for everyone, including persons with disabilities. The concessionaire is encouraged to exceed accessibility requirements whenever possible, and not simply provide the minimum level required.

Permits, Licenses & Approvals

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

Evaluation of Capital Investment & Design

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

In compiling your capital submission, please be aware that the cost estimates provided in the successful proposal will become a minimum required capital expenditure in the License Agreement and the time

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

Note: All necessary permits and approvals for capital work and design must be obtained from the DOB) including, but not limited to, obtaining a Certificate of Occupancy, Public Assembly Permit or 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,, the Public Design Commission of the City of New York, DOB, and/or any other agency having jurisdiction. The concessionaire will be required to provide Parks with all plans and specifications upon completion of the construction documents.

Certificate of Occupancy

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

Construction Security Deposit & Payment Bond

At Parks' discretion, the concessionaire maybe required to provide a construction security deposit, in an amount and format approved by Parks, to ensure that all capital work is completed. If required, this security deposit, preferably in the form of a letter of credit, must be in place before any capital work commences.

To guarantee prompt payment of monies due to a contractor or his or her subcontractors and to all persons furnishing labor and materials to the contractor or his or her subcontractors in the prosecution of any construction, reconstruction, renovation or alteration of the Licensed Premises with an estimated cost exceeding two hundred fifty thousand dollars (\$250,000), the concessionaire shall be required to post a payment bond or other form of undertaking in the amount of either one hundred percent (100%) of the total cost of such construction, reconstruction, renovation or alteration in a form acceptable to Parks before commencing such work or, if the construction, reconstruction, renovation or alteration of the Licensed Premises will be done in phases, one hundred percent (100%) of the cost of each phase of such construction, reconstruction, renovation or alteration in a form acceptable to Parks before commencing each phase of such work.

Available Plans

Any available plans may be obtained from Parks' Document Services/Map File Center at the Olmsted Center in Flushing Meadows-Corona Park, Queens. To make an appointment, please contact Steve Rizick, Director of Document Services, at (718) 760-6798. There is a nominal fee for reproductions. Parks makes no representations as to the availability, accuracy or completeness of these documents.

C. DESIGN REVIEW FEE

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

Note: All designs, outdoor signage, and capital work performed at the site will require prior, written approval from Parks, the Public Design Commission of the City of New York, the New York State Historic Preservation Office, the New York City Landmarks Preservation Commission (if applicable), and any other agency having jurisdiction. Additionally, all necessary permits and approvals for capital work and designs for on-site structures must be obtained from DOB.

D. ADDITIONAL REQUIREMENTS DURING THE LICENSE TERM

1. The concessionaire will be required to operate, renovate, and maintain the Licensed Premises as a concession for the use and enjoyment of the general public.
2. The concessionaire will be required to submit a security deposit of 30% of the highest year's guaranteed minimum license fee, which will be required for the duration of the term of the license. This security deposit, which may be in the form of an interest bearing account or other format approved by Parks, will be due upon signing.
3. The concessionaire will be required to carry Commercial General Liability insurance, dedicated to the Licensed Premises and concessionaire's operations there in the amount of \$3,000,000 per occurrence, and statutory limits of Worker's Compensation, Employer's Liability and Disability Benefits Insurance. All insurance policies other than Employer's Liability, Worker's

Compensation, and Disability Benefits Insurance must name the City of New York, including its officials and employees, as an additional insured with coverage at least as broad as Insurance Services Office (ISO) Form GC 20 26. All Risk Insurance equal to the replacement cost value of the structures will also be required, with the City of New York named as sole loss payee. Proposers are on notice that the City may require higher liability limits and other terms if, in the opinion of the Commissioner, the proposed program warrants it.

4. The concessionaire will be required to submit monthly statements of gross receipts from all categories of income in a format approved by Parks. Within sixty (60) days following the end of each operating year, the concessionaire will be required to submit a detailed income and expense statement for the past year's operation. The concessionaire will be required to maintain a revenue control system to ensure the accurate and complete recording of all revenues, as described under "Internal Controls" in Section II(A) above.
5. The concessionaire will be required to pay all taxes applicable to the operation of the concession. Gross receipts shall exclude the amount of any federal, state, or city sales taxes which are paid by the concessionaire.
6. The concessionaire will be responsible for regular pest control inspections and extermination, as needed. To the extent that the concessionaire applies pesticides to any property owned or leased by the City, concessionaire or any subcontractor hired by concessionaire shall comply with Chapter 12 of Title 17 of the New York City Administrative Code and limit the environmental impact of its pesticide use.
7. Prior to the commencement of any construction, the concessionaire shall have an asbestos inspection performed on the existing structures at the Licensed Premises to the extent required by the Department of Buildings or other applicable authority. In the event that asbestos removal is deemed necessary, the concessionaire will remove the asbestos according to City, State and Federal regulations.
8. The concessionaire will be prohibited from cutting down, pruning or removing any trees on the Licensed Premises without prior written approval from Parks. Any attachments to the trees, such as lights, will not be permitted.
9. The concessionaire will be required to cooperate with Parks during special and other unanticipated events.
10. Smoking within the Licensed Premises is strictly 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 will be required to adhere to and enforce this policy.
13. The concessionaire will be required to retain a professional licensed engineer or registered architect approved by Parks for design and filings of proposed capital work and to oversee the entire construction project. This supervising architect or engineer will be required to ensure that

all construction conforms to the plans approved by Parks' Design Division. Proposers are required to submit the Engineer or Architect's qualifications to Parks for prior written approval.

14. 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 NYS DECS 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 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 by Parks. A useful web site for compliance issues is: <http://www.dec.ny.gov/chemical/287.html>
15. The concessionaire will be required to indemnify the City for claims arising out of the concessionaire's operations under the License Agreement, pursuant to a provision to be included in the License Agreement.
16. 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.

III. THE RFP PROCESS/PROPOSAL PROCEDURE

A. PROPOSAL SUBMISSION INSTRUCTIONS

The proposal should be typed on both sides of 8 ½" X 11" paper. Pages should be paginated. The City of New York requests that all proposals be submitted on paper with no less than 30% post-consumer material content, i.e., the minimum recovered fiber content level for reprographic papers recommended by the United States Environmental Protection Agency (for any changes to that standard please consult: <http://www.epa.gov/cpg/products/printing.htm>). The proposer should state whether its response is printed on recycled paper containing the minimum percentage of recovered fiber content as requested by the City in these instructions. Failure to comply with any of the instructions set forth in this paragraph will not be considered non-responsive.

No proposals should be submitted in plastic sleeves or spiral binders. Illustrations may be included. All plans are subject to Parks' prior written approval. Oversized drawings may be submitted, but must be accompanied by 8 ½" x 11" sectionals or reductions to 8 ½" x 11". No telegraphic or facsimile proposals will be accepted. The proposal will be evaluated on the basis of its content, not length.

Please submit four (4) copies of your proposal (including four copies of all required attachments). The following information should be printed on the outside of the envelope:

Proposer's Name & Address
Solicitation No.: Q15-Q99-SB-C-CL
Proposals Due: Friday, May 13, 2011 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 the 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 as a proposal deposit in the form of a certified bank check, official bank check, United States Postal Service postal money order, or cashier's check in the amount of **\$5,000** with the proposal (payable to NYC Parks & Recreation). Personal or business checks will not be accepted. In the event of the failure of a successful proposer to execute a concession agreement in accordance with the terms of its proposal, the deposit shall be retained by the City unless the proposal has been permitted to be withdrawn. Proposal deposits will be returned to unsuccessful proposers after the concession agreement is signed with the successful proposer.
3. All proposals must be submitted in a sealed envelope and received in the office of the Assistant Commissioner for Revenue, City of New York Parks, The Arsenal-Central Park, 830 Fifth Avenue, Room 407, New York, New York 10065.
4. All proposals must be received by Friday, May 13, 2011 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)(i) of the Concession Rules.**
5. Pursuant to Local Law 34 of 2007, amending the City's Campaign Finance Law, the City is required to establish a computerized database containing the names of any "person" that has "business dealings with the city" as such terms are defined in the Local Law. In order for the City to obtain necessary information to establish the required database, proposers responding to this solicitation are required to complete the attached Doing Business Data Form and return it with this proposal and should do so in a separate envelope. (If the responding proposer is a proposed joint venture, the entities that comprise the proposed joint venture must each complete a Data Form.) If the City determines that a proposer has failed to submit a Data Form or has submitted a Data Form that is not complete, the proposer will be notified by the agency and will be given four (4) calendar days from receipt of notification to cure the specified deficiencies and return a complete Data Form to the agency. Failure to do so will result in a determination that the proposal is non-responsive. Receipt of notification is defined as the day notice is e-mailed or faxed (if the proposer has provided an e-mail address or fax number), or no later than five (5) days from the date of mailing or upon delivery, if delivered.

C. PROPOSAL CONTENT GUIDELINES

Each proposal is expected to include the following:

1. Fee Offer
 - The 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 license term.
2. Proposed Capital Investment, Improvements and Design
 - Proposers should submit a detailed timetable describing all design, improvements and capital work. This timetable should clearly outline all intended improvements and investments, the projected cost of these improvements, and the anticipated duration of each improvement. The timetable may use “phases” as a schedule. An approximate time frame for each phase should be included.
 - Proposers should submit a plan describing the extent to which proposed capital improvements and investments will take into account environmental considerations.
 - Proposers should submit designs of the exterior and interior of the Licensed Premises, including dimensions, photographs and renderings. All final designs of the successful proposer must be approved by Parks and other pertinent agencies in writing before construction can commence.
 - Parks will view favorably proposals that include “green building” design elements and encourages the use of environmentally friendly products for all repairs and capital improvements.
 - If a proposal includes an optional amusement venue at the Forest Park location, the proposer should include a detailed layout of the proposed equipment setup, including installation details, utility needs, etc.
3. Planned Operations
 - Operations Components Specific to the Forest Park Location
 - Proposers should submit a detailed operational plan for the Forest Park location. This plan should include, but not be limited to, intended use of the facility, hours of operation, services to be provided, any plans to install energy efficient appliances that have the Energy Star seal of approval and/or water conserving appliances, and any plans to use “Green Seal” or other environmentally friendly products or devices, staffing plans, safety and security plans, menu, merchandise to be sold, a detailed list of all proposed fees and prices, landscaping/horticulture plans, and maintenance, snow, rubbish removal, and cleaning schedules.
 - If the proposal includes the optional amusement venue at the Forest Park location, the proposer should include an outline of maintenance schedules and safety precautions required for each piece of apparatus/equipment included in the amusement venue.
 - Parks will view favorably proposals which incorporate ethnically diverse and/or healthy food choices, such as salads, fresh fruit, yogurt, nuts, granola bars, protein bars, bottled water, juices, smoothies, etc.

- Proposers should submit an estimated number of full-time and seasonal employees and the positions these employees will fill.

Operations Components Specific to the Flushing Meadows Corona Park Location

- Proposers should submit a detailed operational plan for the Flushing Meadows Corona Park location. This plan should include, but not be limited to, intended use of the facility, hours of operation, services to be provided, any plans to install energy efficient appliances that have the Energy Star seal of approval and/or water conserving appliances, and any plans to use “Green Seal” or other environmentally friendly products or devices, staffing plans, safety and security plans, menu, merchandise to be sold, programming plans, a detailed list of all proposed fees and prices, landscaping/horticulture plans, and maintenance, snow, rubbish removal, and cleaning schedules.
- Proposers should submit an estimated number of full-time and seasonal employees and the positions these employees will fill.

Operations Components Applicable to Both Locations/Licensed Premises

- 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.
- Parks will view favorably the installation of Energy Star approved appliances and equipment, such as vending machines and commercial refrigerators, at the Licensed Premises. Parks will also view favorably proposals that include plans to use “Green Seal” eco-friendly products such as soaps, cleaners, light bulbs, paper towels, toilet paper and paint.
- Parks will view favorably proposals that demonstrate an awareness of the role of the concession as an integral part of the surrounding community. Parks will view favorably proposals that show a commitment to cooperate with and support park administrators, park users, and the community.

4. Operating Experience

- Proposers should submit a resume or detailed description of the proposer's professional qualifications, demonstrating extensive experience in the industry, including any work with City agencies, and/or access to individuals and/or firms with such expertise. Include the names and addresses of all corporate officers of the entity submitting the proposal. If any principal owner and/or officer of the submitting entity is currently or has been a principal officer of another entity or entities within the last five (5) years, that entity or entities (including applicable tax identification numbers) should be identified as well.
- 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. One of the three references should be from

a financial institution with which the proposer has done business. 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. Proposers should state all former and current business entities (and their respective Federal Tax Identification Number(s)) with which the principals have been affiliated over the past 5 years.

5. Financial Capability

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

IV. EVALUATION AND SELECTION PROCEDURES

Proposals will be evaluated by a selection committee composed of a minimum of three (3) Parks employees or Parks and other City employees and, possibly, independent (non-government employed) professionals with relevant expertise, in accordance with procedures established by the Franchise and Concession Review Committee, based on the criteria listed below. The concession will be awarded to the proposer whose submission the selection committee judges best overall based on these criteria.

A. PROPOSAL EVALUATION CRITERIA

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

- Fee Offer: See Section III (C)(1)(25%)
- Proposed Capital Investment, Improvements and Designs Submitted: See Section III (C)(2)(25%)
- Planned Operations: See Section III (C)(4)(20%)
- Operating Experience: See Section III (C)(3)(20%)
- Financial Capability: See Section III (C)(5)(10%)

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 & CONDITIONS

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

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

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

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

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

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

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

Proposers should be aware that this concession will be developed and operated pursuant to a License Agreement issued by Parks. In the event this agreement is terminated, Parks will not reimburse licensee's unamortized capital improvement costs.

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

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

Proposers should be aware that, upon Parks' request, proposer(s) will be required to submit original copies of VENDEX Vendor and Principal Questionnaires to the Mayor's Office of Contract Services. In addition, any person or entity with at least a 10% ownership interest in the submitting vendor (including a parent company), is required to complete VENDEX Questionnaires (Principal Questionnaire for any person and Vendor Questionnaire for any entity with at least a 10% ownership interest in the submitting vendor). The concession award will be subject to completion of the VENDEX questionnaires and review of certain information contained therein 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: Parks | | Transaction ID: Q15-Q99-SB-C-CL | |
| Check One: | Transaction Type (check one): | | |
| <input checked="" type="checkbox"/> Proposal | <input checked="" type="checkbox"/> Concession | <input type="checkbox"/> Contract | <input type="checkbox"/> Economic Development Agreement |
| <input type="checkbox"/> Award | <input type="checkbox"/> Franchise | <input type="checkbox"/> Grant | <input type="checkbox"/> 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: _____

| |
|---|
| <p>Entity Filing Status (select one):</p> <p><input type="checkbox"/> Entity has never completed a Doing Business Data Form. <i>Fill out the entire form.</i></p> <p><input type="checkbox"/> Change from previous Data Form dated _____. <i>Fill out only those sections that have changed, and indicate the name of the persons who no longer hold positions with the entity.</i></p> <p><input type="checkbox"/> No Change from previous Data Form dated _____. <i>Skip to the bottom of the last page.</i></p> |
|---|

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.