

**SOLICITATION# Q162-2-SB**

**REQUEST FOR PROPOSALS**  
**FOR THE RENOVATION, OPERATION, AND MAINTENANCE OF A SNACK  
BAR/BEACH SHOP AND THE OPTIONAL OPERATION OF UP TO FIVE (5)  
MOBILE FOOD UNITS AT**

**ROCKAWAY BEACH, BEACH 17<sup>TH</sup> STREET**

**QUEENS**



**ISSUE DATE:**  
**APRIL 19, 2012**

**MICHAEL R. BLOOMBERG  
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ELIZABETH W. SMITH  
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**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](http://www.nyc.gov/parks)

## **REQUEST FOR PROPOSALS (RFP)**

The City of New York Department of Parks & Recreation (“Parks”) requests proposals for the renovation, operation, and maintenance of a snack bar/beach shop and the optional operation of up to five (5) mobile food units at Rockaway Beach, Queens, NY.

### **THE TERM**

Parks is seeking a concessionaire for one (1) nine-year term. No longer term will be considered. This concession will be operated pursuant to a license issued by Parks; no leasehold or other proprietary right is offered.

### **PROJECT MANAGER**

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

**Phone: (212) 360-3495**

**Email: [evan.george@parks.nyc.gov](mailto: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:

|  |   |
|--|---|
| <b>RFP Release Date:</b>                             | <b>Thursday, April 19, 2012</b>           |
| <b>Recommended Proposer Meeting &amp; Site Tour:</b> | <b>Thursday, June 7, 2012 at 12:00 pm</b> |
| <b>Proposals Due:</b>                                | <b>Monday, June 25, 2012 at 3:00 pm</b>   |
| <b>Interviews (if any):</b>                          | <b>Tuesday, July 10, 2012</b>             |



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

### **RECOMMENDED PROPOSER MEETING & SITE TOUR**

There will be a recommended on-site proposer meeting and site tour on **Thursday, June 7, 2012 at 12:00 pm**. We will be meeting at the proposed concession site (Block # 1650 & Lot # 50 and 100), which is located at Beach 17<sup>th</sup> Street, Rockaway, Queens. We will be meeting in front of the existing structure. If you are considering responding to this RFP, please make every effort to attend this recommended meeting and site tour.

## **MEETINGS**

The Selection Committee may decide to meet with certain proposers on **Tuesday, July 10, 2012**. This is the only day meetings will be held. Therefore, it is recommended that proposers keep **Tuesday, July 10, 2012** available to meet with the Selection Committee.

If there are circumstances beyond a proposer's or Parks' control and the meeting cannot take place on **Tuesday, July 10, 2012**, Parks will schedule a meeting between the proposer and the selection committee on an alternate date.

## **I. PROJECT BACKGROUND**

### **A. HISTORY & EXISTING CONDITIONS**

One of New York City's most popular summer destinations, the entire beach encompasses more than 170 acres of sun and sand, and every bit of it is put to good use. When the city warms up, New Yorkers of all sizes and types flock to Rockaway Beach. The beach contains the city's only surfing areas, and when the surf's up boarders get in their wet suits and ride the waves, while in gentler waters, fishers cast their lines for striped bass and bluefish. And for those of a more traditional nature, there's always swimming, sunbathing, and snacking.



The area around this concession property has recently undergone significant improvements. This section of Rockaway Beach is located along a mile-long stretch of beach at the eastern end of the Rockaway peninsula, the Rockaway regional park project area includes park property that was never fully developed until a PlaNYC initiative created the opportunity to make the most of the beachfront setting to

provide much needed park facilities for the rapidly growing residential community.

In keeping with Mayor Bloomberg's vision for a greener New York, the redeveloped park will increase permeable surfaces and improving stormwater collection. The area immediately surrounding the concession site has seen the construction of a skateboard park, sports courts and playground, new performance space.

### **B. THE LICENSED PREMISES**

The Licensed Premises includes the existing snack bar structure of approximately 1,920 square feet (which has not been in use in a number of years), a covered outdoor seating area of approximately 2,300 square feet, a men's restroom of approximately 456 square feet, and a women's restroom of approximately 456 square feet. Mobile food units may be placed along the boardwalk area between Beach 50<sup>th</sup> Street and Beach 9<sup>th</sup> Street.

A map of the approximate potential Licensed Premises is included in Attachment A of this RFP.

## **II. PROJECT COMPONENTS**

### **A. OVERVIEW**

Parks is seeking proposals for the renovation, operation, and maintenance of a snack bar/beach shop and the Optional Operation of up to five (5) mobile food units at Rockaway Beach, Queens, NY.

#### **Operational Plan**

Proposers should submit a detailed operational plan for the entire Licensed Premises. 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, mechanisms to measure customer satisfaction, a detailed list of all proposed fees and prices, landscaping/horticulture plans, 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**

The concessionaire will be required to renovate, operate and maintain a food service facility 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 Citywide Licensing Center, 42 Broadway, 5th floor, Monday through Friday 9:00am to 5:00pm, or by phone at 311 or 212-New York. Note: Offices are closed during City/Public Holidays. 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.

#### **Mobile Food Unit(s) Sublicensing Option**

Proposers may sublicense the operation of the mobile food unit(s). Proposers seeking to sublicense the operation of the mobile food unit(s) will be required to report as part of their gross receipts upon which payment to the City is based the sublicensing fees paid to the concessionaire for the operation of the mobile food unit(s). All sublicensing agreements and operations are subject to Parks’ prior, written approval.

### Alcoholic Beverages

After 6:00 PM (Beach Closure), during the beach season, 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). During hours when the beach is open during the beach season, only beer and wine may be served. 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. Parks reserves the right to amend this policy regarding the sale of alcoholic beverages at any time during the Term of the License Agreement.

### 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.

### Mobile Food Units

The concessionaire may operate up to five (5) pushcarts, processing carts, and/or mobile trucks (herein referred to as "Mobile Food Units") for the sale of snack food items, such as hot dogs, hamburgers, salads, soft drinks, and non alcoholic beverages, within the Licensed Premises in accordance with the following guidelines:

- **Pushcarts**

Pushcarts are manually propelled carts or barrows which are only for the sale of pre-packaged foods or foods which require limited preparation. Pushcarts cannot be more than 6 1/2 feet long and 3 1/2 feet wide including all handles, extensions, and protuberances. If the unit is designed so that the operator stands within the unit, the width of the unit, including its wheels, axles, and other appurtenances may not exceed 4 1/2 feet.

- **Processing Carts & Processing Mobile Trucks**

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

- **Non-Processing Mobile Trucks**

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

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.

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)                                    | \$2.00       |
| Soda (20 fl. oz., plastic bottle only)              | \$3.00*      |
| Snapple (20 fl. oz. plastic bottle only)            | \$3.00       |
| Specialty Soda and Juice (12 fl. oz.)               | \$2.00       |
| 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 (8.4 fl. Oz.)                     | \$3.00       |
| Bottled water (16.9 fl. Oz. or 500 ml)              | \$2.00       |
| Fruit Juice (16 fl. Oz., plastic bottle only)       | \$3.00       |
| Orange Juice (15.2-16 fl. Oz. plastic bottle only)  | \$2.00       |
| Sports Drinks: Gatorade, Powerade,                  |              |
| Vitamin Water, etc. (20.0 fl oz.)                   | \$3.00       |
| Sobe Water Life Water (20.0 fl. oz.)                | \$3.00       |
| Sobe Water Life Water (16.0 fl. oz.)                | \$2.00       |
| Sobe Water Life Water (12.0 fl. oz.)                | \$1.00       |
| Super C Energy drink                                | \$1.00       |
| Sparkling Water (1.5 fl. liters)                    | \$3.00       |
| San Pellegrino (16.9 fl. oz.)                       | \$4.00       |
| Acqua 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 a brand 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**

Each pushcart may have a 3' x 3' freezer cart attachment for the sale of ice cream products, and all non-processing mobile food trucks may offer ice cream products for sale. The following menu lists the items that may be sold at vending locations where ice cream sales are permitted and the highest prices that may be charged for the items. Under no circumstances may any pushcart exceed these maximum prices for the items listed below without Parks' prior written approval. Other brands of similar products may be sold with Parks prior written approval. At the concessionaire's discretion, the concessionaire may sell these items at a lower price:

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

| <b><u>Item</u></b>   | <b><u>Price</u></b> |
|--|---------------------|
| Good Humor Ice Cream Bars ( <i>includes Toasted Almond, Strawberry Shortcake, Oreos, Candy Center Crunch, Chocolate Éclair, Cookies &amp; Creams, Dark &amp; Milk Chocolate Bars</i> ) | \$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 items:*

| <b><u>Item</u></b>               | <b><u>Price</u></b> |
|----------------------------------|---------------------|
| SpongeBob Bars                   | \$3.00              |
| Popsicle Shots                   | \$3.00              |
| Frozen Fruit Bars/Pops           | \$3.00              |
| Popsicles\Lifesaver\Fire Cracker | \$2.00              |
| Scooby Doo Push up               | \$2.00              |
| Nestle Ice Cream Bars            | \$2.00              |

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

| <b><u>Item</u></b>                    | <b><u>Price</u></b> |
|---------------------------------------|---------------------|
| 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 an item at a price higher than those listed above, the concessionaire must receive prior written approval from Parks.

**Nut and Dried Fruit Products:**

| <b><u>Item</u></b>           | <b><u>Price</u></b> |
|------------------------------|---------------------|
| 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.

### DOHMH Information

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

To obtain a DOHMH license and/or permit, contact the Citywide Licensing Center, 42 Broadway, 5th floor, Monday through Friday 9:00 am to 5pm, or by phone at 311 or 212-New-York or [www.nyc.gov/health](http://www.nyc.gov/health). Note: Offices are closed during City/Public Holidays.

Vendors should be aware that if they are applying for a DOHMH Vendor License for the first time, this process can take six (6) weeks or more.

- DOHMH Vendor License

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

- DOHMH Mobile Food Vending Unit Permit

All Mobile Food Units must pass a DOHMH inspection in order to receive a DOHMH Mobile Food Vending Unit Permit. All Mobile Food Units operating under a Parks license agreement must first pass a DOHMH inspection. In order to schedule the Mobile Food Unit for an inspection, successful proposers must submit Parks-authorized documentation to DOHMH, which is provided to the vendor following Notice of Award.

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

### Mobile Food Unit Specifications & Maintenance

Concessionaires will be required to purchase, supply, or otherwise obtain use of all equipment, including the Mobile Food Units, necessary for the operation of this concession. Concessionaires will be required to present his/her Mobile Food Unit(s) to Parks for inspection before the license agreement is signed. All Mobile Food Units must be kept in good condition. Parks reserves the right to require replacement of Mobile Food Units that are in poor condition or that do not meet DOHMH specifications and requirements.

Mobile Food Units, umbrellas, canopies and other equipment attached to Mobile Food Units shall be of a design and color approved in writing by Parks. Parks expects the concessionaire to utilize Mobile Food



Units of a premium quality and design. Parks encourages proposers to submit Mobile Food Unit designs that are inventive, interesting and compliment the intended vending location(s) (rather than traditional Mobile Food Unit designs often used for hot dog and pretzel pushcarts). Proposals should include a photo or visual schematic of the type of Mobile Food Unit to be used, including the dimensions of the Mobile Food Unit. Mobile Food Units may not extend vending space beyond the confines of the unit.

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

Advertising of product brands will not be allowed on the Mobile Food Unit(s) or associated equipment without Parks' written approval.

#### Permit Decal

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

#### Hours of Operation

The concessionaire may only operate the Licensed Premises when the park is open. At minimum, the concessionaire will be required to operate the facility during the Beach Season. All hours of operation are subject to Parks' prior written approval. 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.

#### 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 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, 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.

#### Rubbish Removal & Recycling

During the operating season, the concessionaire will be responsible for, at its sole cost and expense, clean-up and removal of all waste, garbage, refuse, rubbish and litter from the 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.

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

#### Internal Controls

Throughout the License term, the concessionaire will be required to maintain a revenue control system to ensure the accurate and complete recording of all revenues, in a form and manner acceptable to the City. This revenue control system for the Snack Bar must maintain detailed sales information from each sales transaction. Specifically, sales information for the Snack Bar must be recorded electronically, via a point-of-sale system, and must include, but is not limited to, details on each sales transaction, the item(s) sold, time, date of sale and price of the item sold. The concessionaire must also establish a dedicated bank account for 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*

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

### *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](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. Concessionaire must document each Special Event via signed sequentially pre-numbered contracts that capture event information, including the time and date of the event, the number of attendees and required payment. 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:

| <b>Provision</b>   | <b>Liquidated Damages per Occurrence</b> |
|--|--|
| Unauthorized Menu Items or Merchandise                                   | \$150                                    |
| Missing or Unauthorized Price List                                       | \$250                                    |
| Overcharging   | \$350                                    |
| Expanding  | \$350                                    |
| Blocked Exits  | \$350                                    |
| Improper Disposal (noxious liquids, debris, etc.)                        | \$350                                    |
| Mobile Food Unit Leaking Fluids  | \$350                                    |
| Mobile Food Unit Obviously Damaged or in Poor Repair                     | \$250                                    |
| Unauthorized Advertising   | \$100                                    |
| Roving or Vending at Unauthorized Location                               | \$250                                    |
| Improper Storage   | \$350                                    |
| Graffiti, Dirty Mobile Food Unit or Umbrella                             | \$350                                    |
| Sticker Expired or Not Displayed   | \$250                                    |
| Vending without valid DOHMH Mobile Food Vendor's License                 | \$350                                    |
| Vending without valid DOHMH Mobile Food Unit License                     | \$350                                    |
| 311 sign not displayed   | \$250                                    |
| 12 oz. soda not available or not displayed when 20 oz. size is available | \$250                                    |

### 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 Director of Operations Management & Planning, whose office is located at the Arsenal, 830 Fifth Avenue, New York, NY 10065. The Commissioner has designated the Director of Operations Management & Planning to decide on the merits of these appeals. The decision of the Director of Operations Management & Planning shall constitute the final decision of Parks.
- B. The 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 park in which the Licensed Premises are located. Moreover, Parks may grant other permits to vendors to sell the same or similar items authorized under this license agreement within the same park in which the Licensed Premises are located. Parks does not guarantee that illegal vendors, persons unauthorized by Parks or disabled veteran vendors will not compete with the successful proposer or operate near the Licensed Premises. Parks encourages concessionaires to report illegal vendors by calling 311.

### Merchandise

The concessionaire may also sell merchandise; however, 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 successful proposer wants to sell merchandise that uses the City's trademarks, the successful proposer will be required to purchase merchandise from authorized licensees of the City of New York. Parks will not permit the sale of merchandise promoting musicians, entertainers, sports figures, cartoon characters, or commercial products. All prices and merchandise to be sold are subject to Parks' approval.

The sale of counterfeit or unlicensed merchandise at this concession will result in the immediate termination of the license agreement and seizure of the security deposit.

## **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](http://www.nyc.gov/html/mocs/html/programs/other_epp.shtml).

### Improvements & Repairs

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

- Provide fixed equipment as necessary, including, but not limited to, grills, sinks, walk-in boxes and counters
- Repair flooring as necessary
- Repair/repaint ceiling as needed
- Paint or restore interior walls(color must receive Parks' prior written approval)
- Repair/repaint interior and exterior of roll down gates as needed or replace roll down gates as needed

### 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 ADA accessible counters in the café area, installing ramps, as needed, and providing ADA signage. The concessionaire shall comply with all City, State, and Federal requirements to provide safe and accessible recreational opportunities for everyone, including persons with disabilities. The concessionaire is encouraged to exceed accessibility requirements whenever possible, and not simply provide the minimum level required.

### Permits, Licenses & 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 may be 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 moneys 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 concessionaire's design documents, Parks will charge the concessionaire 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 renovate, operate 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 25% of the highest year's annual 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 in at least \$1M per occurrence, \$2M aggregate, and statutory limits of Worker's Compensation, Employer's Liability and Disability Benefits Insurance. The Commercial General Liability insurance will be required to 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, and the City's limits will be no lower than concessionaire's. If vehicles are to be used in connection with the concession, the concessionaire shall carry Business Automobile Liability insurance in the amount of \$1,000,000 for each accident combined single limit for liability arising out of ownership, maintenance or use of any owned, non-owned, or hired vehicles. The concessionaire shall maintain comprehensive property insurance covering all buildings or structures on the property at a value determined by Parks. If the concession serves alcoholic beverages anywhere on the Premises, Licensee shall carry or cause to be carried liquor law liability and host liquor law liability coverage in an amount not less than One Million Dollars (\$1,000,000) per occurrence. Proposers are on notice that the City may require other types of insurance and/or higher liability

limits and other terms if, in the opinion of the Commissioner, the proposed concession 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 of any tobacco product is strictly prohibited at the Licensed Premises. Concessionaire shall 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.: Q162-SB**  
**Proposals Due: Monday, June 25, 2012 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 season of the License term. At Parks' request, proposer shall submit documentation, satisfactory to Parks, demonstrating that it has the financial capability to pay the fees set forth in its proposal. Failure to provide such documentation will result in a determination of non-responsiveness.
2. All proposers are required to submit as a proposal deposit a certified bank check, official bank check, 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 **Monday, June 25, 2012 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 fee offer should be expressed as a guaranteed minimum fee for the mobile food units, if proposed, and snack bars versus a percentage of gross receipts for the snack bars only, whichever is greater. The City urges that there be an escalation of at least five percent (5%) per season (compounded annually) in the guaranteed minimum fee over the license term.

## 2. Operating Experience

- Proposers should submit a resume or detailed description of the proposer's professional qualifications, demonstrating extensive experience in the industry, including any work with City agencies, and/or access to individuals and/or firms with such expertise. Include the names and addresses of all corporate officers of the entity submitting the proposal. 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 that has extended credit to the proposer. Include the name of the reference entity, a description of the nature of the listed reference's experience with the proposer and the name, title, address, and telephone number of a contact person at the reference entity.

## 3. 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.

## 4. Planned Operations

- Proposers should submit a detailed operational plan for the entire Licensed Premises. 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, mechanisms to measure customer satisfaction, a detailed list of all proposed fees and prices, landscaping/horticulture plans, and maintenance, snow, rubbish removal, and cleaning schedules. All plans, schedules, services, menu items, merchandise, prices and rates, and hours of operation are subject to Parks' prior written approval.
- Proposers should submit an estimated number of full-time and seasonal employees and the positions these employees will fill.

- Parks is charged with improving customer satisfaction with the services provided at facilities on parkland. Therefore, Parks would like proposers to explain in their submissions the mechanisms they would use to measure customer satisfaction with the services offered by this concession. Such mechanisms might include customer evaluations or survey forms. Further, Parks would like proposers to explain how they would improve the quality of services offered if the above mechanisms indicate a need to do so.
- Proposers should include a comprehensive pro-forma income and expense projection for each year of operation. This pro-forma projection should include explanations for all the assumptions used in its formulation.
- 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.

#### 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.

PLEASE NOTE: All proposals should indicate how the proposer became aware of this concession opportunity (e.g. newspaper ad; mailing list, Parks website, etc).

## **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%)
- Operating Experience: See Section III (C) (2) (25%)

- Proposed Capital Investment, Improvements and Designs: See Section III (C) (3) (20%)
- Planned Operations: See Section III (C) (4) (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: NYCDPR   |  | Transaction ID: Q162-2-SB         |   |
| 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 office that supplied it.** Please contact the Doing Business Accountability Project at [DoingBusiness@cityhall.nyc.gov](mailto:DoingBusiness@cityhall.nyc.gov) or 212-788-8104 with any questions regarding this Data Form. Thank you for your cooperation.

### Section 1: Entity Information

Entity Name: \_\_\_\_\_

Entity EIN/TIN: \_\_\_\_\_

#### Entity Filing Status (select one):

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

Entity is a Non-Profit: ☐ Yes ☐ No

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

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone : \_\_\_\_\_ Fax : \_\_\_\_\_

E-mail: \_\_\_\_\_

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

**Section 2: Principal Officers**

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

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

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

First Name: \_\_\_\_\_ MI: \_\_\_\_\_ Last: \_\_\_\_\_

Office Title: \_\_\_\_\_

Employer (if not employed by entity): \_\_\_\_\_

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

Home Address: \_\_\_\_\_

☐ This person replaced former CEO: \_\_\_\_\_ on date: \_\_\_\_\_

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

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

First Name: \_\_\_\_\_ MI: \_\_\_\_\_ Last: \_\_\_\_\_

Office Title: \_\_\_\_\_

Employer (if not employed by entity): \_\_\_\_\_

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

Home Address: \_\_\_\_\_

☐ This person replaced former CFO: \_\_\_\_\_ on date: \_\_\_\_\_

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

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

First Name: \_\_\_\_\_ MI: \_\_\_\_\_ Last: \_\_\_\_\_

Office Title: \_\_\_\_\_

Employer (if not employed by entity): \_\_\_\_\_

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

Home Address: \_\_\_\_\_

☐ This person replaced former COO: \_\_\_\_\_ on date: \_\_\_\_\_

**Section 3: Principal Owners**

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

**There are no owners listed because (select one):**

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

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

First Name: \_\_\_\_\_ MI: \_\_\_\_\_ Last: \_\_\_\_\_

Office Title: \_\_\_\_\_

Employer (if not employed by entity): \_\_\_\_\_

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

Home Address: \_\_\_\_\_

First Name: \_\_\_\_\_ MI: \_\_\_\_\_ Last: \_\_\_\_\_

Office Title: \_\_\_\_\_

Employer (if not employed by entity): \_\_\_\_\_

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

Home Address: \_\_\_\_\_

First Name: \_\_\_\_\_ MI: \_\_\_\_\_ Last: \_\_\_\_\_

Office Title: \_\_\_\_\_

Employer (if not employed by entity): \_\_\_\_\_

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

Home Address: \_\_\_\_\_

**Remove the following previously-reported Principal Owners:**

Name: \_\_\_\_\_ Removal Date: \_\_\_\_\_

Name: \_\_\_\_\_ Removal Date: \_\_\_\_\_

Name: \_\_\_\_\_ Removal Date: \_\_\_\_\_

**Section 4: Senior Managers**

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

**Senior Managers:**

First Name: \_\_\_\_\_ MI: \_\_\_\_\_ Last: \_\_\_\_\_

Office Title: \_\_\_\_\_

Employer (if not employed by entity): \_\_\_\_\_

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

Home Address: \_\_\_\_\_

First Name: \_\_\_\_\_ MI: \_\_\_\_\_ Last: \_\_\_\_\_

Office Title: \_\_\_\_\_

Employer (if not employed by entity): \_\_\_\_\_

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

Home Address: \_\_\_\_\_

First Name: \_\_\_\_\_ MI: \_\_\_\_\_ Last: \_\_\_\_\_

Office Title: \_\_\_\_\_

Employer (if not employed by entity): \_\_\_\_\_

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

Home Address: \_\_\_\_\_

**Remove the following previously-reported Senior Managers:**

Name: \_\_\_\_\_ Removal Date: \_\_\_\_\_

Name: \_\_\_\_\_ Removal Date: \_\_\_\_\_

**Certification**

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

Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Entity Name: \_\_\_\_\_

Title: \_\_\_\_\_ Work Phone #: \_\_\_\_\_

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

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





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

**What is the purpose of this *Data Form*?**

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

**Why have I received this *Data Form*?**

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## EXHIBIT A

