

SOLICITATION #M10-BK-2012

REQUEST FOR PROPOSALS

**FOR THE OPERATION & MAINTENANCE OF TWO BOOKSTALLS
AND RELATED TABLES ON FIFTH AVENUE BETWEEN 60TH & 61ST
STREETS**

CENTRAL PARK, MANHATTAN



ISSUE DATE:

October 19, 2012

**MICHAEL R. BLOOMBERG
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**MAYOR OF THE CITY OF NEW YORK
COMMISSIONER OF PARKS & RECREATION
ASSISTANT COMMISSIONER FOR REVENUE AND MARKETING
BOROUGH COMMISSIONER FOR MANHATTAN PARKS**

REQUEST FOR PROPOSALS (RFP)

The City of New York Department of Parks & Recreation (“Parks”) requests proposals for the operation and maintenance of two (2) bookstalls and a maximum of eight (8) related tables on Fifth Avenue between East 60th and East 61st Streets, Central Park, Manhattan

THE TERM

Parks is seeking a concessionaire for one (1) **five (5) 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 Venus Melo. All RFP questions and/or inquiries should be directed to her. She may be reached at:

Phone: (212) 360-1376

E-mail: Venus.Melo@parks.nyc.gov

Fax: (212) 360-3434



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

RFP TIMETABLE

The following schedule has been established for this RFP:

RFP Release Date:	Friday, October, 19, 2012 at 9:00AM
Recommended Proposer Meeting & Site Tour:	Tuesday, November, 7, 2012 at 11:30AM
Proposals Due:	Tuesday, November, 27, 2012 at 3PM
Interviews (if any):	Tuesday, December, 11, 2012



If you have a physical disability and cannot deliver your proposal to the Arsenal, please contact the Project Manager (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 Tuesday, November 7, 2012 at 11:30AM. We will be meeting at the proposed concession site, which is located on the west side of Fifth Avenue between East 60th and East 61st Street. We will be meeting in front of the Subway entrance on 5th Avenue and the corner of 60th Street. 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, December 11, 2012. This is the only day meetings will be held. Therefore, it is recommended that proposers keep Tuesday, December 11, 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, December 11, 2012, Parks will schedule a meeting between the proposer and the selection committee on an alternate date.

I. PROJECT BACKGROUND

A. HISTORY & PLANNED DEVELOPMENT

Parks is seeking a concession that will be designed, maintained and operated at the highest standards and will make a significant improvement to the ambience of the park and the surrounding community, while providing a convenience to the public.

The area of operation will be a few blocks north of Grand Army Plaza and Pulitzer Fountain, on the sidewalk along the Westside of Fifth Avenue (Park side), between the subway entrance and East 60th Street. The bookstalls will be placed on the park wall side; tables will be located on the curbside. Tables must be along the edge of the sidewalk and must not interfere with pedestrian traffic.

The concessionaire will be obligated to supply all equipment necessary to run the concession. During operating times, merchandise that is stored in boxes must be placed under the tables and hidden from view with a tablecloth. The concessionaire will also be responsible for securing the inventory and equipment every evening. Tables and inventory must be stored in the bookstalls when the concession is not operating.

Proposers are required to submit descriptions and/or drawings of the bookstalls, including dimensions. All designs will be subject to Parks' approval.

B. FINANCIAL HISTORY

The following chart lists the total gross receipts, annual fees, and fees paid to Parks by the current concessionaire for years May 2008 to March 2012 of the current operating term.

Operating Year*	Gross Receipts	Annual Fee
5/1/2008-4/30/2009	\$211,935.13	\$40,000
5/1/2009-4/30/2010	\$243,029.92	\$42,000
5/1/2010-4/30/2011	\$219,778.08	\$44,100
5/1/2011-3/30/2012**	\$328,033.61*	\$46,305

[*Operating Year is 12 Months][**COMPLETE DATA IS NOT AVAILABLE FOR 2011-2012]

II. PROJECT COMPONENTS

A. OVERVIEW

Parks is seeking proposers with a solid background in the book business to operate and maintain two high-caliber bookstalls and a maximum of eight (8) related tables. The bookstalls and related tables should make a significant improvement to the ambience of the park and surrounding area while providing a convenient service to the public.

Operational Plan

Proposers should submit a detailed operational plan for the entire Permitted 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, merchandise, dimensions and design of the bookstalls, items to be sold, programming plans, mechanisms to measure customer satisfaction, prices, landscaping/horticulture plans, and maintenance, snow, rubbish removal, and cleaning schedules.

All plans, schedules, services, merchandise, prices and fees, and hours of operation are subject to Parks’ prior, written approval. This concession is for the sale of books and related merchandise only. Books must comprise the majority of the items available for sale. All items sold must be associated with books. These items may include t-shirts, bags, postcards and souvenirs. All items and prices are subject to Parks’ approval.

Hours of Operation

The concessionaire may only operate the Permitted premises when the Park is open. All hours of operation are subject to Parks’ prior written approval.

Storage

Parks makes no representations that there is adequate storage space at the Permitted premises. The concessionaire shall be responsible for, at its sole cost and expense, obtaining any additional storage space required for the operation of the concession. The concessionaire will be required to store all outdoor equipment on a nightly basis and anytime the concession is closed. The concessionaire shall secure the bookstalls and any other equipment every evening at the close of business. Tables and inventory must be stored in the bookstalls when the concession is not operating. Following each day of operation, the concessionaire shall remove all personal property and equipment from public view.

Customer Service

Parks expects the concessionaire to create and maintain a high-quality concession for the public. Parks encourages proposers to implement customer service mechanisms that will enhance and maintain the satisfaction of patrons. Proposers should outline these mechanisms in their proposals.

Staff

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

Maintenance

The concessionaire will be required, at its sole cost and expense (or through arrangements with third parties), to operate, and maintain the Permitted premises in good and safe condition and in accordance with industry standards. This includes, but is not limited to, the maintenance of the bookstalls and its contents including but not be limited to, fixing or replacing any shelves or stands and repair of the entire Permitted premises, all interior and exterior structures, utility systems and connections, equipment, lighting, sidewalks, paved areas, In addition, all signs and structures on the Permitted premises must be kept in good condition and free of graffiti. The erecting of any ancillary structures at the Permitted premises shall be subject to Parks' prior written approval.

Horticulture & Landscaping

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 Permitted 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 Permitted premises before any work is performed, and such work shall be of a quality which meets Parks' standards.

Rubbish Removal & Recycling

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 Permitted premises and the area within fifty (50) feet of the Permitted 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.

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.

Access to Permitted Premises

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

Signage & Advertising

The concessionaire will be required to prominently display signage at the Permitted premises listing all prices, rates, and hours and days of operation. Permittee will be prohibited from displaying, placing or permitting the display or placement of advertisements in the Premises, without the prior written approval of Parks. The display or placement of tobacco advertising shall not be permitted. The display or placement of advertising of alcoholic beverages shall not be permitted. The following standards will apply to all allowed advertising: 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 be prohibited. Advertising of product brands is prohibited without Parks' prior written approval. Any and all signage is subject to Parks' prior written approval. The design and placement of all signage, including signage which includes Permittee's name, trade name(s) and/or logos, is subject to Parks' prior written approval. Permittee will be prohibited from placing advertisements on the exterior of its concession area. Any prohibited material displayed or placed shall be immediately removed by the Permittee upon notice from Parks at Permittee's sole cost and expense.

Internal Controls

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

facility name. The City will not own any portion of a new name that consists of the name, portrait or signature of a living or deceased individual or a restaurant identifier that is not otherwise associated with Parks' property. Parks 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 Permitted 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.

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 Permitted premises. Practices may include, but are not limited to, the installation of Energy Star compliant appliances, the use of energy efficient, non-polluting, low noise generators, the employment of energy efficient and water conservation measures, the use of low toxicity chemicals, 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 Permitted premises. Proposers should state whether they intend to install products that have the Energy Star seal of approval. Energy Star products and environmentally friendly practices can be found at: <http://www.energystar.gov>.

Parks also views favorably proposals that include plans to use "Green Seal" eco-friendly products such as soaps, cleaners, light bulbs, paper towels, toilet paper and paint. A list of "Green Seal" certified products can be found at <http://www.greenseal.org/findaproduct/index.cfm>, and a list of environmentally-friendly products/materials is also available at: http://www.nyc.gov/html/mocs/html/programs/other_epp.shtml. Proposers should state whether they intend to utilize or install "Green Seal" or other environmentally friendly products, devices, or methods for cleaning and operational purposes. Proposers should also state in their proposals whether they intend to utilize or install energy-efficient compact fluorescent light bulbs (CFLs).

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

Special Events

Subject to prior written approval from Parks, the concessionaire may conduct special events or programs at the Permitted premises. The concessionaire shall submit to Parks for approval all plans for any events

or programs at the Permitted premises, and in no event shall the Permitted 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 Permitted 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

Pursuant to a plan approved in writing by Parks, the concessionaire, at its sole cost and expense, shall be responsible for all security at the Permitted premises year round in accordance with plans approved by Parks in writing in advance. The concessionaire will be required to secure the Permitted premises and any other equipment every evening.

Safety

Since safety is of the utmost concern, proposers with prior experience in operating this type of facility or similar facilities should submit their personal and/or company safety record. Each proposal should include a detailed outline of maintenance schedules and safety precautions required for the operation of the Permitted premises 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 operation and maintenance of the Permitted 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.

Inspections & Liquidated Damages

Inspectors from Parks will visit the site unannounced to inspect operations and ensure proper maintenance of the concession site. Based on their inspections, Parks may issue directives regarding deficiencies the concessionaire will be obligated to rectify in a timely fashion. Violations of the terms of the license agreement may result in the assessment of liquidated damages which, if not paid promptly, may be deducted from the concessionaire’s security deposit. If the concessionaire fails to provide the cleaning, maintenance, and operational services required by the license agreement, Parks shall notify the concessionaire in writing, and the concessionaire shall be required to correct such shortcomings within the timeframe set forth in such notice. If the concessionaire fails to cure the violation within the timeframe set forth in the notice, Parks may, at its option, in addition to any other remedies available to it, assess liquidated damages and/or suspend or terminate the license agreement. Parks may impose a \$250 administrative fee for reinstatement of a suspended license. Liquidated damages may be assessed in accordance with the following schedule:

Provision	Liquidated Damages per Occurrence
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Unauthorized Items or Merchandise	\$150
Missing or Unauthorized Price List	\$250
Expanding	\$350
Blocked Exits	\$350
Improper Disposal (noxious liquids, debris, etc.)	\$350
Unauthorized Advertising	\$100
Improper Storage	\$350
Sticker Expired or Not Displayed	\$250
311 sign not displayed	\$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.

B. INVESTMENTS AND DESIGN

The concessionaire will be responsible for all costs associated with the operation, and maintenance of the Permitted premises. Parks will view favorably proposals that include “green building” design elements and encourages the use of environmentally friendly products for all investments and design. 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.

Investments

The concessionaire will be expected to perform the following investments to the Licensed Premises:

Proposers should be aware that the selected concessionaire will be required to provide new or thoroughly refurbished bookstalls along with tables and other operating equipment of a professional quality. In addition, the concessionaire shall repair or replace the above if Parks deems necessary. Proposers must submit a clear outline of the dimensions and design of the bookstalls. The dimensions and design of the bookstalls is subject to Parks' approval. The bookstalls must not exceed 6 feet wide by 5 feet 6 inches deep by 6 feet high, including all extensions and protuberances.

Americans with Disabilities Act ("ADA") Compliance

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

Permits, Licenses & Approvals

The concessionaire will be responsible for obtaining all necessary permits, licenses and approvals from all City, State and Federal Agencies having jurisdiction for the operation and maintenance of the Permitted 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 Investment & Design

Please note that Parks will weigh investment and design in its evaluation process (for more information, please see the "Proposal Content Guidelines" section).

All bookstalls, tables and other operating equipment shall be of a design and color approved by Parks. Advertising of product brands is strictly prohibited without Parks' prior written approval. The design, dimensions, manner of display and organization of the concession are subject to Parks' approval.

Proposers must submit a clear outline of the dimensions and design of the bookstalls. The dimensions and design of the bookstalls is subject to Parks' approval. The bookstalls must not exceed 6 feet wide by 5 feet 6 inches deep by 6 feet high, including all extensions and protuberances

Parks will view favorably proposals that include bookstall designs of a premium quality and are inventive, interesting and compliment the Permitted Premises.

D. Additional Requirements During The License Term

1. The concessionaire will be required to operate, and maintain the Permitted 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 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 – 2M per occurrence, \$2M – 5M 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 and the Central Park Conservancy, 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 all-risk property insurance covering all buildings or structures on the property at a value determined by Parks. 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 Permitted 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 Permitted premises without prior written approval from Parks. Any attachments to the trees, such as lights, will not be permitted.
9. The concessionaire will be required to cooperate with Parks during special and other unanticipated events.
10. Smoking of any tobacco product is strictly prohibited at the Permitted premises except on sidewalks along the park perimeter. Concessionaire shall adhere to and enforce this policy.
11. 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.

12. The concessionaire must obtain the prior written approval of Parks prior to entering into any marketing or sponsorship agreement. In the event that the concessionaire breaches this provision, the concessionaire shall take any action that the City may deem necessary to protect the City's interests.

III. THE RFP PROCESS/PROPOSAL PROCEDURE

A. PROPOSAL SUBMISSION INSTRUCTIONS

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

No proposals should be submitted in plastic sleeves or spiral binders. Illustrations may be included. All plans are subject to Parks' prior written approval. Oversized drawings may be submitted, but must be accompanied by 8 1/2" x 11" sectionals or reductions to 8 1/2" 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.: M10-BK-2012

Proposals Due: Wednesday, November, 14, 2012 at 3:00PM

B. PROPOSAL SUBMISSION REQUIREMENTS

Each proposal **submitted must** meet the following requirements. Failure to comply will result in the automatic disqualification of a submission from further consideration.

1. All proposers must submit a proposal that includes a fee offer for each year of the operating term. Proposals must state a guaranteed annual flat fee. All proposals must include a flat fee offer for each year of the operating term. Proposals that do not state a guaranteed annual flat fee will not be considered. If a proposer offers any additional payment beyond the guaranteed annual flat fee, only the flat fee will be considered. At Parks' request, proposer shall submit documentation, satisfactory to Parks, demonstrating that it has the financial capability to pay the fees set forth in its proposal. Failure to provide such documentation will result in a determination of non-responsiveness.
2. All proposers are required to submit as a proposal deposit a certified bank check, official bank check, money order or cashier's check in the amount of \$3,000 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 Thursday, November 15, 2012 at 3:00PM. 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
 - All proposals must include a flat fee offer for each year of the operating term. Proposals that do not state a guaranteed annual flat fee will not be considered. The City urges that there be an escalation of at least five percent (5%) per year (compounded annually) in the guaranteed annual flat fee over the license term. If a proposer offers any additional payment beyond the guaranteed annual flat fee, only the flat fee will be considered.
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. Planned Operations

- Proposers should submit a detailed operational plan for the entire Permitted premises, including but not limited to intended use of the facility hours of operation, services to be provided, merchandise to be sold, proposed sample merchandise prices and rates, landscaping plans, maintenance, rubbish removal, and cleaning schedules, safety and security plans, any plans to install energy efficient appliances or 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. 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 Permitted premises. Parks will also view favorably proposals that include plans to use "Green Seal" eco-friendly products such as soaps, cleaners, light bulbs, paper towels, toilet paper and paint.
- Parks will view favorably proposals that demonstrate an awareness of the role of the concession as an integral part of the surrounding community. Parks will view favorably proposals that show a commitment to cooperate with and support park administrators, park users, and the community.

4. Proposed Investment and Design

- Each proposer should submit designs, photographs and/or renderings of the bookstalls it intends to use, and including dimensions. All final designs of the successful proposer must be approved in writing in advance by Parks and other pertinent agencies before operation can commence.
 - Parks will view favorably proposals that include bookstall designs of a premium quality and are inventive, interesting and compliment the Permitted Premises.
 - Parks will view favorably plans and designs for the Bookstalls that incorporate environmentally friendly components and practices for all investments and designs.
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).

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:

1. Fee Offer: See Section III (C) (1) 25(%)
2. Operating Experience: See Section III (C) (2) (20%)
3. Planned Operations: See Section III (C) (3) 20(%)
4. Proposed Improvements and Designs Submitted: See Section III (C) (4) (20%)
5. Financial Capability: See Section III (C) (5) (15%)

B. EVALUATION PROCEDURES

Parks will only consider proposals that meet satisfactory levels of the above criteria. The City is not required to accept the proposal that includes the highest fee offer. Parks' acceptance of a proposal does not imply that every element of that proposal has been accepted.

Parks cannot consider any proposal that does not comply with the "Submission Requirements" section of this RFP. Proposals that do not meet these requirements will

not be evaluated. When feasible, employees of Parks will visit facilities operated by proposers.

V. OTHER GENERAL RFP REQUIREMENTS & CONDITIONS

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

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

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

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

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

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

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

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

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 prior to 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.

Veronica M. White,
Commissioner