



City of New York  
Parks & Recreation

The Arsenal  
Central Park  
New York, NY 10021

**SOLICITATION# B336-A-IS, SB 03/03**

## **REQUEST FOR PROPOSALS**

**FOR THE OPERATION AND MANAGEMENT OF  
ABE STARK ICE SKATING RINK**

**BROOKLYN**



**ISSUE DATE:**

**MARCH 18, 2003**

**MICHAEL R. BLOOMBERG  
ADRIAN BENEPE  
JOANNE G. IMOHIOSSEN  
JULIUS SPIEGEL**

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

[www.nyc.gov/parks](http://www.nyc.gov/parks)

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

### **FOR THE OPERATION AND MANAGEMENT OF ABE STARK ICE SKATING RINK, BROOKLYN**

City of New York Department of Parks & Recreation requests proposals for the operation and management of Abe Stark Ice Skating Rink at Coney Island, Brooklyn. Parks is seeking proposers with extensive experience in the maintenance, operation, and management of ice skating rinks to operate this facility. The concession offered includes the operation of the ice skating rink, an ice skate rental concession, a pro shop, and vending machines for food service. The concessionaire may also offer ice skating lessons.

**Parks is seeking a concessionaire for one (1) year with two, one-year options, at Parks' option.** 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 City of New York Parks and Recreation Project Manager for this concession is Stephanie C. Smith. All RFP questions and/or inquiries should be directed to her. She may be reached at the Arsenal in Central Park at (212) 360-1397. You may also fax your questions to her at (212) 360-3434 or e-mail her at [stephanie.smith@parks.nyc.gov](mailto:stephanie.smith@parks.nyc.gov).



**If you have a hearing impairment, please call the following toll-free number and leave a message on the Telecommunication Device for the Deaf (TDD). The TDD number is 1-800-281-5722.**

#### **REQUEST FOR PROPOSALS TIMETABLE**

The following schedule has been established for the Request for Proposals for the operation and management of Abe Stark Ice Skating Rink at Coney Island, Brooklyn.

<b>RFP Release Date:</b>	<b>Tuesday March 18, 2003</b>
<b>Site Tour:</b>	<b>Thursday April 3, 2003 @ 2:00 p.m.</b>
<b>Proposals Due:</b>	<b>Thursday May 1, 2003 @ 2:00 p.m.</b>

***PLEASE NOTE: THIS SCHEDULE IS SUBJECT TO CHANGE AS CIRCUMSTANCES WARRANT.***



*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 special arrangements will be made for you.*

### **HISTORICAL BACKGROUND: ABE STARK ICE SKATING RINK**

This facility is named in honor of a man who loved Brooklyn, beneficence, business, and baseball – and not necessarily in that order. Born on Manhattan’s Lower East Side to Russian immigrant parents, Abe Stark (1894-1972) served as City Council President from 1954 to 1961, followed by three terms as Brooklyn Borough President. “Mr. Brooklyn,” as Stark came to be known, also founded Abe Stark Philanthropies and the Abe Stark Hillel Foundation at Brooklyn College. P.S. 346 in Brooklyn was named in his honor, and in 1965, Pratt Institute made him an honorary Doctor of Laws.

In 1964, the City of New York acquired the 4.2 acre parcel of parkland upon which Abe Stark Rink now sits. Located at West 19th Street and Surf Avenue, Abe Stark Rink opened in 1970 with an oversized parking lot intended to provide space for both visitors to the rink and those seeking other Coney Island attractions. In addition to the indoor skating rink, locker rooms, rest rooms, skate rental concession, and first aid station that exist today, the original plans for this facility included a snack bar and full restaurant overlooking the rink, enclosed in glass. Instead of these food concessions, the spaces over the rink are used as meeting rooms for the organizations that use the facility. Parks last renovated the rink in 1987, replacing the ticket booth and bleachers; installing new boards, rubber matting, and glass; and improving the skate concession and bathrooms.

With a seating capacity of 1,500, Abe Stark Rink is home to both teen and adult divisions of the New York Stars Ice Hockey team, a member of the Greater New York City Ice Hockey League. Local high school teams also use the rink regularly, and skaters of all ages and abilities are invited to test their blades during weekend public skating sessions held throughout the year.

### **FINANCIAL HISTORY**

The following chart lists the license fees paid to Parks for the last three operating seasons (fees are expressed as a guaranteed minimum annual fee) and the concessionaire’s reported gross receipts:

<b>Year</b>	<b>Guaranteed Minimum Fee</b>	<b>Reported Gross Receipts (net of sales tax)</b>
11/24/00 – 6/15/01	<b>\$80,000</b>	\$453,575
6/16/01 – 6/15/02	<b>\$85,000</b>	\$516,043
6/16/02 – 6/15/03	<b>\$90,000</b>	-

The current concessionaire pays license fees for each operating year, consisting of the higher of the minimum annual fee or an annual percentage of gross receipts derived from the operation of the licensed premises. This annual percentage of gross receipts is a sum of the following:

- 20% of skate rental fees
- 15% public admission fees
- 5% of food and beverage sales
- 5% of pro shop sales

- 2% of net vending machine sales
- 15% of miscellaneous sales

**THE CONCESSION: OVERVIEW AND EXISTING CONCESSIONS**

This concession will include the operation and management of the ice skating rink, the ice skate rental concession, and a pro shop. The concessionaire may also offer ice skating lessons. The operating season during which the facility must be operated as an ice skating rink, during which Parks & Recreation will be responsible for utility costs and the cost of providing a stationary engineer, is October through April of each year. Exact dates are subject to Parks’ approval. If desired, the concessionaire may operate the facility during the summer, as either an ice skating rink, or for the purposes of another type of concession, subject to Parks’ approval. If the concessionaire operates the facility as an ice skating rink during the summer season, the concessionaire must pay all utility costs, including stationary engineer costs. Exact dates for the summer season are subject to Parks’ approval. The concessionaire will be responsible for routine annual maintenance and repairs, including repainting the facility prior to the start of each operating season.

Proposers should note that the rink shares the parking area with the adjacent Keyspan Park, the minor league baseball stadium for the Brooklyn Cyclones. On days when there is a game in session at the stadium, the rink will not be allowed to open. In addition, the parking lot concessionaire may charge patrons of the Abe Stark skating rink for parking from June 2<sup>nd</sup> through August 31<sup>st</sup>.

All prices, price increases, rental and lesson fees, hours of operation, including general session hours, menu and inventory items must be approved by Parks & Recreation. The following are the maximum approved prices (including tax) for the 2002-2003 operating season:

<b>Rink Admission Rates:</b>	\$8.00
<b>Skate Rental Rates:</b>	\$4.50
<b>Ice Time Rates:</b>	\$275.00
<b>Vending Machine Menus and Rates:</b>	<u>Candy and Snacks: \$1.10</u> <u>Soda and Coffee: \$1.10</u>
<b>Public Skating:</b>	Same as rink admission
<b>Hockey Events:</b>	Same as ice time rates

*NOTE: Any changes in the above rates must be approved in writing by the Commissioner.*

The following are the approved operating hours for the skating season:

<b>Weekends</b>	7:00 AM – 11:00 PM
<b>Weekdays</b>	5:00 PM – 11:00 PM

*NOTE: Any changes in the above hours must be approved in writing by the Commissioner.*

**Required Capital Investment and Equipment**

This concession requires extensive capital improvements. Parks recommends that the concessionaire perform the following capital improvements:

1. Install 100 rental lockers.
2. Install one ice hockey scoreboard
3. Install benches
4. Install 560 Linear Feet of Dasher Panel Plexi Glass and Upright Supports to Hold Plexi Glass.
5. Install safety netting for spectator area
6. Replace 2' x 4' ceiling tiles as needed
7. Replace (8) emergency light fixtures on (3) heads
8. Replace (6) exit light signs
9. Repair or replace front roll down doors
10. Install one Munters Drycool Desiccant Dehumidifier model number A30NG or an approved equal.
11. Install new electric service for the dehumidifier (approximately 225 feet)
12. Install new controls and ducts for the dehumidifier
13. Repair and refurbish both the men's and women's bathrooms:
  - Replace the mirrors in both bathrooms
  - Provide new stall walls and doors
  - Replace soap dispensers

**In addition to the described improvements, the concessionaire will be required to provide the following equipment:**

**New electric zamboni and charger**

**One backup zamboni model 500**

**Sound/PA system**

**Cash register**

**Floor machine for rubber mats**

**Office/first aid furniture, supplies and equipment**

**1,000 pairs of rental skates, racks for these skates, and a skate-sharpening machine**

**This and any additional non-fixed equipment and materials for the successful operation of the rink should be listed separately in your proposal under the category of additional capital investment. This equipment will remain the property of the proposer and the investment shall not be applied to the required capital expenditure.**

**The successful proposer will be required to obtain an engineer's report on all necessary repairs and to execute them at his or her sole cost and expense. *(Note: All designs and works to be performed on the***

*structure will require prior approval from Parks & Recreation, the City's Art Commission, and all other agencies having jurisdiction.)*

The facility's plans may be inspected, and a copy of the available plans for the facility may be obtained upon request for a nominal fee. Please contact the project manager to arrange an appointment to inspect the plans. Parks makes no representation that these plans are complete or wholly accurate.

Proposers must include in their proposals a detailed description of all intended capital work, a cost estimate, and capital design timetable, which clearly outlines proposed improvements and the anticipated commencement and completion dates of these improvements. In the successful proposer's license agreement, these cost estimates provided in the proposal will become a minimum required expenditure and the time frame proposed will be included as a requirement. Please be realistic in the investment and time frame you offer.

### **THE TERM AND REQUIREMENTS**

The term for this concession will be one (1) year with two, one-year options, at Parks' option. 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. This concession will become available upon the expiration of the City's contract with the current concessionaire; this contract will expire on June 15, 2003.

### **REQUIREMENTS DURING THE TERM OF LICENSE**

1. The successful proposer will be responsible for obtaining any and all necessary approvals, sign-offs, permits, and licenses for the construction and lawful operation of this concession. The proposer will also be responsible for obtaining all relevant certifications and licenses to operate the concession.
2. The concessionaire will be required to submit a sketch, design plan, and construction timetable, as well as a statement of anticipated investment. All plans for the facility are subject to the approval of Parks, the New York City Department of Buildings, and all other agencies having jurisdiction.
3. The concessionaire will provide Parks with all plans and specifications upon completion of the construction documents. The plans should be in ink on mylar paper.
4. A construction security deposit, in an amount and format approved by Parks & Recreation, will be held to ensure that all renovation work is completed. This security deposit must be in place before any construction or renovation commences.
5. The concessionaire will be required to retain a professional engineer or registered architect for design and filings of proposed capital work and to oversee the entire construction project. This

supervising architect or engineer will be responsible for ensuring that all construction conforms to the plans approved by Parks' Design Division. Proposers must submit this engineer or architect's qualifications to Parks for approval. All drawings, forms, etc., must be signed and sealed. All proposed plans must be filed with all relevant governing authorities.

6. The concessionaire will supply all equipment and materials necessary for the operation of this concession. All fixed equipment becomes the property of Parks upon installation, at Parks' option. Should Parks choose not to exercise this option, it will be the responsibility of the concessionaire to remove fixed equipment and return the licensed premises to Parks in a condition as good as or better than its condition at the commencement of the license term.
7. During the mandatory operating season, October through April of each year (exact dates subject to Parks' approval), Parks & Recreation will maintain the freezing system, and 24-hour staffing of the compressor room by a stationary engineer. The concessionaire will be responsible for removing any unsuitable materials as required. Parks makes no representations that there are adequate utilities currently in place at the site. If the concessionaire chooses to operate the facility as an ice skating rink during the summer season (May through September of each year), the concessionaire will be responsible for all utility costs for the rink, including stationary engineer costs.
8. If the concessionaire does not operate the facility as an ice skating rink on a year-round basis, the concessionaire will be required to melt down the ice promptly at the conclusion of the operating season and leave the premises in good order and repair.
9. A security deposit of at least 25% of the highest year's guaranteed minimum license fee must be posted before or upon signing.
10. The concessionaire will be required to carry at least \$2,000,000.00 in general/personal liability insurance coverage, \$1,000,000.00 in property damage liability and replacement value in fire and casualty coverage with the **City of New York, 1 Centre Street, New York, NY 10007** as an Additional Insured for claims arising from the operations of the concessionaire.
11. The concessionaire will be required to meet all applicable Fire Department codes, while providing supplemental equipment for fire protection such as alarms, extinguishers, hoses and hose reels.
12. The concessionaire must provide a non-resettable ticket machine, and report admission to Parks & Recreation on a weekly basis.
13. The concessionaire may not hold catered events during public skating hours without the express written permission of Parks & Recreation.
14. The concessionaire will be required to make all necessary repairs during the term of license.
15. The selling and/or advertisement of cigarettes, cigars, or any other tobacco products are strictly prohibited. It is the concessionaire's responsibility to adhere to and enforce this policy.

16. Pursuant to Parks' policy citywide, the concessionaire will not be permitted to sell any beverages in glass bottles. All beverages sold should be in non-glass, shatterproof containers. Parks will retain the right during the term to require all canned or bottled beverages to be decanted into paper cups before being served. Also, the use of polystyrene packaging or food containers is prohibited.
17. The concessionaire will remove all rubbish generated by this concession. The concessionaire will be responsible for cleaning the licensed premises and the area within 50 feet of the licensed premises. The concessionaire will provide garbage cans approved by Parks and have these cans emptied on a daily basis by a private carter. Proposers should submit a detailed plan for removal of rubbish generated by this concession.
18. The concessionaire must comply with all City, state, and federal regulations regarding recycling.
19. During the license term, the concessionaire will be responsible for the removal of any and all graffiti from the premises, including all signs and structures.
20. The concessionaire must comply with all City, state and federal laws relating to access for people with disabilities. In its advertising and promotion program, the concessionaire shall include a plan that describes how it intends to make the programs, services, and activities provided readily accessible and useable by individuals with disabilities.
21. At all times that the licensed premises are open to the public, the concessionaire shall provide first-aid services by providing at least one staff member on duty who is certified by the American Red Cross or other duly authorized agency as having successfully completed a course in Advanced First-Aid training.
22. The concessionaire will be responsible for maintaining security within the licensed premises and the area immediately surrounding the licensed premises.
23. All prices, fees, and increases for any and all proposed services offered at the concession must be approved by Parks & Recreation. Proposers should submit their proposed price lists and hours of operation.
24. The concessionaire must cooperate with Parks in the case of special events or other unanticipated eventualities.
25. The concessionaire will submit monthly reports of gross receipts, in a format approved by Parks, broken down into categories of income. At the end of each operating year, the concessionaire will be required to submit a detailed income and expense statement for the past year's operation.
26. The concessionaire must pay all taxes applicable to the operation of the concession. With the exception of the Combined State and New York City Sales Tax on Food, no such applicable taxes, including but not limited to the Commercial Rent Tax, may be deducted from gross receipts or from license fees.



## **THE REQUEST FOR PROPOSALS PROCESS/PROPOSAL PROCEDURE**

### **A. PROPOSAL SUBMISSION INSTRUCTIONS**

All proposals **must** meet the requirements listed below in the "Proposal Submission Requirements" section, and should comply with the guidelines listed in the "Proposal Submission Guidelines" section.

Proposals should be **single-sided** and printed or typed on 8 ½" x 11" paper. There is no page limit for proposals. The proposal submission and the proposal deposit should be submitted in a sealed envelope with the following information written on the outside:

- **Proposer Name and Address**
- **Solicitation # B336-A-IS, SB 03/03**
- **Abe Stark Ice Skating Rink, Brooklyn**
- **Return Date: Thursday May 1, 2003 @ 2:00 p.m.**

No proposals should be submitted in plastic sleeves or spiral binders. Illustrations may be included. All plans are subject to Parks' 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.

### **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.
2. All proposers are required to submit as a proposal deposit a **certified check, official bank check, or cashier's check in the amount of \$10,000.00** with the proposal (payable to NYC Parks & Recreation). The check will be retained as liquidated damages in the event the proposer fails to enter into an agreement with Parks. Proposal deposits will be returned to unsuccessful proposers after the contract is signed with the successful proposer.
3. All proposals must be submitted in a sealed envelope to the Assistant Commissioner for Revenue, City of New York Parks & Recreation, The Arsenal, Room 407, Central Park, New York, New York 10021, **no later than Thursday May 1, 2003 @ 2:00 p.m.** No proposals will be accepted after that time. Hand delivery to Room 407 before the deadline is recommended to ensure consideration of your proposals.

### **C. PROPOSAL SUBMISSION GUIDELINES**

1. Proposals should include all of the required information and a fee offer including a fee offer for the two optional years. The fee offer should state the highest sum each proposer is prepared to pay as a license fee, expressed as guaranteed annual minimum fee versus a percentage of gross receipts, whichever is greater. The City strongly urges that there be an

- escalation of at least five percent (5%) per year (compounded annually) in the guaranteed minimum fee over the license term.
2. Proposals should include completed copies of Parks' business questionnaires and two (2) VENDEX questionnaires (Business Entity and Principal Questionnaires), which can be obtained through the Revenue office.
  3. The proposal should include a resume or detailed description of the proposer's professional qualifications, demonstrating extensive experience in the industry, including work with City agencies, 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. **Please submit four (4) copies of your proposal.**
  4. Proposers should submit a detailed timetable for all design and capital work. This timetable should clearly outline all intended improvements, the projected cost of these improvements, and the anticipated commencement and completion dates of these improvements. Please do not exaggerate intended capital investment. In the successful proposer's license agreement, the cost estimates provided in the proposal submission will become a minimum required expenditure, and the time frame proposed will become a required construction schedule. Therefore, please be realistic or even conservative in the capital investment you offer.
  5. Proposers should submit drawings showing the proposed layout and appearance of the facility and the concession site. The successful proposer's designs are subject to Parks' approval, as well as the approval of other relevant agencies.
  6. Proposers should submit a detailed operational plan, which should include hours of operation, a list of any and all prices and fees, menu items, and other related information. All prices and fees are subject to approval by the Commissioner.
  7. Parks will view favorably proposals that will accommodate Parks's events and/or allow Parks to use the facility for special events.
  8. Parks will view favorably proposals that include substantial community programming and/or programs to benefit the surrounding community. (e.g., lessons, junior programs, events)
  9. Proposers should include a detailed, well thought-out 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.
  10. Proposers should include a financial statement or statements prepared in accordance with standard accounting procedures.
  11. Proposers should submit an estimated number of full-time and seasonal employees respectively, the positions these employees will fill, and the percentage of these employees that they expect to hire from the surrounding community. Parks will view favorably proposals that will employ members of the surrounding community.

12. Parks & Recreation 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 & Recreation would like proposers to explain how they would improve the quality of services offered if the above mechanisms indicate a need to do so.

## **D. EVALUATION AND SELECTION PROCEDURES**

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

### **1. PROPOSAL EVALUATION CRITERIA**

In evaluating proposals, Parks & Recreation will use the following criteria:

- Fee offer
- Proposed operations, including intended use of the facility, quality and affordability of products and services offered, community programs, and hours of operation
- Operating experience in the field, including experience as a City concessionaire, if applicable
- Proposed capital investment and repairs submitted
- Financial capability

### **2. EVALUATION PROCEDURES**

Parks & Recreation 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 & Recreation 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 & Recreation will visit facilities operated by proposers.

#### **E. OTHER GENERAL RFP REQUIREMENTS AND CONDITIONS**

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

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

Until the proposal submission deadline a proposer may submit a modified proposal to replace all or any portion of a proposal submitted. The Project Manager will only consider the latest version of the proposal. Late proposals and/or late modifications will not be considered for evaluation. Parks will not accept telegraphic or facsimile proposals.

All Requests for Proposals submission materials become the property of the City of New York and Parks & Recreation. 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.

NYC Parks & Recreation 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.

NYC Parks & Recreation 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 consider proposals for reimbursement of licensee's unamortized capital improvement costs as of the date of termination.

A proposer may submit a modified proposal to replace all or any portion of a proposal submitted up until the proposal submission deadline. The Project Manager will only consider the latest version of the proposal. Late proposals and late modifications will not be considered for evaluation. Proposers may withdraw their proposals from consideration at any time before the proposal deadline. To withdraw a proposal, the proposer must provide Parks with written notification.

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

The Office of the Comptroller of the City of New York is charged with the audit of concession agreements. 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, and Room 835, New New York, New York 10007. This office may be reached at (212) 669-2323.

Adrian Benepe,  
Commissioner