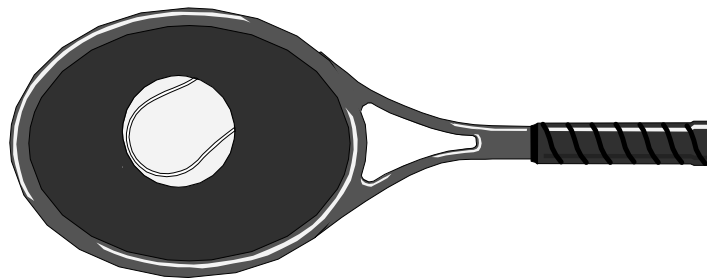


SOLICITATION #M10-TP 09/01

REQUEST FOR PROPOSALS

**FOR THE OPERATION OF THE CENTRAL PARK TENNIS CENTER,
INCLUDING A TENNIS PROFESSIONAL CONCESSION, PRO SHOP,
AND SNACK BAR CONCESSION**

MANHATTAN



ISSUE DATE:

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

REQUEST FOR PROPOSALS (RFP)

FOR THE OPERATION OF THE CENTRAL PARK TENNIS CENTER, INCLUDING A TENNIS PROFESSIONAL CONCESSION, PRO SHOP, AND SNACK BAR CONCESSION

City of New York Parks & Recreation requests proposals for the operation of the Central Park Tennis Center, including a tennis professional concession, pro shop, and snack bar concession. The tennis facility is located in Central Park's South Meadow, just east of Central Park West, north of the Reservoir, and south of the 96th Street transverse road.

Parks is seeking a concessionaire for a six (6) 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 City of New York Parks and Recreation Project Manager for this concession is Anjan Mishra. All RFP questions and/or inquiries should be directed to him. He may be reached at the Arsenal in Central Park at (212) 360-1397. You may also fax your questions to him at (212) 360-3428 or e-mail him at Anjan.Mishra@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 of the Central Park Tennis Center.

RFP Release Date: Friday, September 28, 2001

Site Tour: Wednesday, October 17, 2001 @ 2:00 pm

Proposals Due: Friday, November 16, 2001 @ 3:00 pm

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.

THE CONCESSION: CENTRAL PARK TENNIS CENTER

Central Park's permanent tennis courts were built in 1910. By 1927, the facility contained the present number of thirty (30) courts. Twenty six (26) of these courts are har-tru (clay), and four are all-weather (hard) courts. The courts are oriented north-south and run east to west in three rows.

The need for lockers and showers resulted in the completion of the Tennis House in 1930. The structure stands along the southern line of the courts, and has remained the same since its original construction. The building has a central hallway with offices and a men's and women's locker rooms on either side of the hallway. A long open loggia faces north and looks over the tennis courts.

For the year 2000, the Central Park Tennis Center received the "Facility of Year Award" from the United States Professional Tennis Registry (USPTR), the world's largest international tennis teaching organization. The Center currently serves a large and varied number of tennis players -- an average number of 16,000 people a month sign up for use of the courts. Conveniently located in Central Park, the Tennis House is in close proximity to the residential neighborhoods of the Upper West Side, Upper East Side, and Harlem.

OPERATIONS AND MAINTENANCE

As part of the concession, the concessionaire will be required to operate the Tennis House. The Tennis House includes restrooms, locker rooms, the snack bar, and pro shop. Any additional features to the Tennis House will be subject to Parks' approval.

Parks seeks to provide the greatest number of recreational opportunities to the public. Parks will look favorably upon proposals that increase the number of young people participating in tennis programs. Proposers are expected to provide free junior tennis programs. Proposers should include a detailed description of the types of free and discounted programs that will be offered.

Parks must approve tournaments to be held on the public courts. The concessionaire will be allowed to run eight (8) tournaments during the course of the season.

CAPITAL IMPROVEMENTS & INVESTMENTS

The concessionaire will be required to provide all equipment and accessories necessary for the successful operation of the club house, snack bar and tennis facility. In addition, the successful proposer will be required to make the following capital improvements:

Improve Clubhouse and Grounds

- Provide new landscaping
- Replace fence adjacent to the clubhouse.

- Remove all trip hazards, including oil tank fill pipe at entryway.
- Provide new interior design to enhance the quality of lighting, materials and space.
- Improve the snack bar area, providing new fixed equipment including refrigerators, freezers and ice machine.
- Paint the interior and exterior of the facility.

Parks will also look favorably upon proposals which include the following capital improvements to the clubhouse and grounds:

- Create new porch dining area, providing tables and chairs.
- Install new counters and display racks for the pro shop.
- Repair or replace in kind all windows and guards.

In addition, Parks will consider proposals that provide for an expanded snack bar with fixed kitchen equipment.

Parks will also look favorably upon proposals that include the reconditioning of the 30 courts (26 Har-Tru, 4 asphalt), as needed.

SINGLE PLAY RESERVATIONS

Single play tickets and reserved court times may be sold at the tennis center at a cost of \$5.00 per ticket or reservation. For each single play ticket or reservation sold, the concessionaire will be allowed to keep \$1.00. The remainder of the money from these sales must be forwarded every two weeks to Parks & Recreation's permit office at the Arsenal, 830 Fifth Avenue.

THE SNACK BAR

The snack bar will offer refreshments and beverages to the public. It is located inside the Tennis House on the west side of the hallway and occupies one hundred fourteen (114) square feet. The concessionaire will have an additional eighty-three (83) square feet for storage area. The storage area is located down the hall on the north side of the Tennis House.

Proposers should indicate their plans for selling and serving food items, including types and sizes of equipment. All menus and price lists must be approved by Parks and may not be changed without approval. Additionally, only one vending machine may be operated in the hallway outside the snack bar. The placement of the machine is subject to Parks' approval.

TENNIS LESSONS

The operator of the tennis lesson concession will provide tennis lessons on the four (4) all-weather courts and will have approximately one hundred five (105) square feet of office space in the Tennis House on the east side of the hallway next to the building's entrance.

*The following lesson rates are those charged at the Central Park Tennis Center for the 2001 season. The rates listed are **per student**. Group lessons may be offered. All rates are subject to Parks' approval.*

Non-Prime Time:

Weekdays, 8 am – 3 pm		
X	Private	
	One Hour	\$42.00
	Half Hour	\$23.00
X	Semi-private	
	2 per one hour	\$23.00
X	Lesson Package	
	5 one hour lessons	\$200.00

Prime Time:

Weekdays, 7 am – 8 pm, 4 pm – 8 pm		
All day Saturdays, Sundays, and holidays		
X	Private	
	One Hour	\$48.00
X	Semi-private	
	2 per one hour	\$23.00

Head Pro Rates

Non-Prime Time:		
	One Hour	\$48.00
Prime Time:		
	One Hour	\$53.00

Other requirements are as follows:

1. If no lesson has been booked by ten (10) minutes before the hour, the court must be returned to the public.
2. A player may cancel a lesson up to 24 hours in advance without charge or penalty.
3. When a scheduled lesson is rained out, players have the option of obtaining a refund or a raincheck.

TENNIS PROFESSIONAL SHOP

The Tennis Professional Shop is accessible to users of the tennis courts as well as bikers, skaters, joggers and all other park users. There are two entrances to the facility: one on street level on the west side of the building, the other from inside the tennis house down the stairs on the west side of the main hallway.

The Pro Shop should offer a wide variety of high quality tennis related merchandise, as well as an on-site racquet stringing service. Proposers should submit a list of all items to be sold and the suggested prices. All prices are subject to Parks' approval.

UNITED STATES TENNIS ASSOCIATION

For the past nine years, the United States Tennis Association (USTA) has used the hard courts in Central Park for practice by world class tennis players competing in the U.S. Open. These practice sessions provide a unique opportunity for New Yorkers to watch world class tennis players prepare for the U.S. Open. The USTA resurfaces these courts as required.

Proposers should be aware that the USTA would like to continue this practice and would request use of the courts starting the Wednesday prior to the Main Draw (opening day of the U.S. Open) and continuing through Labor Day.

REQUIREMENTS DURING THE TERM OF THE LICENSE

1. The successful proposer will be responsible for obtaining any and all necessary approvals, permits and licenses for the construction and lawful operation of this concession.
2. The concessionaire will be required to carry at least \$1,000,000.00 in general liability insurance coverage and replacement value in fire and casualty coverage with the NYC Department of Parks and Recreation named as additionally insured.
3. A security deposit of at least 25% of the highest year's guaranteed minimum license fee must be posted upon signing.
4. 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.
5. The concessionaire will be obligated to supply all equipment 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 or better than that at the commencement of the license term.
6. The concessionaire will be responsible for all utility costs connected with the operation of this concession. This includes but is not limited to heating oil and supplying and installing any necessary feeder cables, meters, wiring, gas lines, water, sewer lines, pumps, etc.

7. 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. In addition, the concessionaire will keep all signs and structures free of graffiti. The concessionaire must comply with all city, state, and federal regulations regarding recycling. The concessionaire will be responsible for keeping the parking lot clean, neat, and free of litter and debris. Proposers should submit a detailed plan for removal of rubbish generated by this concession.
8. The selling and/or advertisement of cigarettes, cigars, or any other tobacco products is strictly prohibited. It is the concessionaire's responsibility to adhere to and enforce this policy.
9. The concessionaire will comply with all city, state and federal laws relating to access for people with disabilities.
10. The concessionaire will be responsible for maintaining total security within the facility and the immediate surrounding area.
11. The concessionaire must provide income and expense statements for each year of operation.
12. The concessionaire will have use of only one parking space.
13. Deliveries to snack bar will be limited to those times as approved by Parks.
14. 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, shatter-proof containers. Also, the use of polystyrene packaging or food containers will be prohibited in the operation of the snack bar.
15. 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 menus, price lists, and hours of operation.
16. All signs are subject to the approval of Parks & Recreation.
17. 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.
18. If necessary, the concessionaire will be responsible for obtaining the services of a registered architect or a professional engineer to prepare designs, secure all approvals and permits (including but not limited to Department of Buildings, Department of Environmental Protection, Department of Health, etc.), and supervise construction. All designs will be subject to review and approval by Parks' Design Division.

DESIGN REVIEW FEE

For Parks' Design Division review of the licensee's design documents, Parks will charge the licensee a 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.

Upon signing the license agreement, the successful proposer will pay the design review fee, based on the capital investment to which the proposer/licensee is committed in the license agreement. **The fee is 1.0% of the total cost.**

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 all the items listed below in the "Proposal Submission Guidelines" section. Proposals should be printed or typed on 8 ½" x 11" paper. There is no page limit for proposals, but proposers are encouraged to use discretion in the amount of information they submit.

The proposal, the proposal deposit, and any additional information should be submitted in a sealed envelope with the following information written on the outside:

- X **Your name and address**
- X **Solicitation # M10-TP**
- X **Central Park Tennis Center**
- X **Return Date: Friday, November 16, 2001 @ 3:00 pm**

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 or money order 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 should 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 Friday, November 16, 2001 @ 3:00 pm.** No proposals will be accepted after that time; proposals received after the time and date listed above will be returned to the proposer and will not be considered for award. Hand delivery to Room 407 before the deadline is recommended to ensure consideration of your proposal.

C. PROPOSAL SUBMISSION GUIDELINES

1. Proposals should include all of the required information and a fee offer. 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 four (4) completed copies of Parks business questionnaires (Business, Business Entity, Principal, and Personal 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.
4. All proposals should be submitted on **one side only** of 8 ½" x 11" paper. No proposals should be submitted in plastic sleeves or spiral binders. Oversized drawings may be submitted but must be accompanied by sectionals and or reductions to 8 ½" x 11". **Please submit four (4) copies of your proposal.**
5. Proposers should include a detailed, well thought out pro forma income and expense projection for each year of operation, including explanations for all your assumptions.
6. Proposers should submit a detailed capital design timetable, clearly outlining the improvements themselves as well as anticipated commencement and completion dates. Proposers are on notice that capital investments and design will be heavily weighted components in Parks' evaluation process. The cost estimates provided will be included as a requirement in the license agreement. Proposers are therefore urged to be realistic or even conservative in the investment and timeframe they offer.
7. Proposers should submit a detailed operation plan, including but not limited to, hours of operation, fees charged, and discounted and free programs.

8. Proposers are asked to provide in detail the criteria used to determine if the Tennis Pros qualify for hiring, as well as how the Tennis Pros will be trained and evaluated. The operator is responsible for paying the Tennis Pros' salaries and providing insurance for them. The concessionaire must purchase the necessary teaching supplies.
9. Parks is charged with improving customer satisfaction with our services. Parks will view favorably all proposals that incorporate self-check mechanisms that indicate the quality level of services offered. Such mechanisms include but are not limited to a customer evaluation or survey form filled out on a regular basis. In addition, Parks would like to see proposals which indicate how the proposer would improve services offered to the public if necessary.

D. EVALUATION AND SELECTION PROCEDURES

In evaluating proposals, a selection committee comprised of employees of Parks and constituted in accordance with the rules of the Franchise and Concessions Review Committee will use the following criteria:

- X Fee offer
- X Operating experience in the field, including experience as a City concessionaire, if applicable
- X Proposed capital investment and designs submitted
- X Planned operations: rates and affordability, proposed hours of operation, community programs
- X Financial capability

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. Failure to demonstrate extensive experience in the field, or to respond substantially to the requirements of the RFP, will result in the rejection of the proposal.

E. FREEDOM OF INFORMATION LAW

Parks & Recreation is subject to the 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 proposal from public disclosure, pursuant to Section 87(2)(d) of the Public Officers Law, 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 portion thereof in a secure place.

F. OTHER GENERAL RFP REQUIREMENTS AND CONDITIONS

1. Parks 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.
2. All Request for Proposals submission materials become the property of the City of New York Parks & Recreation.
3. Proposers may mark as confidential those portions of a proposal which they believe are not required to be disclosed under the New York State Freedom of Information Law.
4. Parks shall not be liable for any costs incurred by proposers in the preparation of proposals or for any work performed in connection therein.
5. 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.
6. Proposers are advised that Parks has the option to select the proposer without conducting negotiations and that each proposer should submit his/her best proposal initially since negotiations may not take place.
7. Proposers are to contact the agency prior to submission of proposals to verify that any addenda issued have been received and proposers are to acknowledge the receipt of all the addenda as part of their proposals. Technical addenda issued by the Parks will be the only authorized method for communication clarification information to all potential proposers.
8. The New York City Comptroller Office is charged with audit of concession agreements. Any person or entity who believes that there has been unfairness, favoritism or impropriety in the proposal process should inform the Comptroller, Office of Contract Administration, 1 Centre Street, Room 835, New York, New York 10007. You may also contact the Office of Contract Administration at (212) 669-2323.

Henry J. Stern,
Commissioner