

SOLICITATION #: Q99-SB-BH, R 09/01

REQUEST FOR PROPOSALS

**FOR THE OPERATION OF A RESTAURANT/FOOD SERVICE
FACILITY AT THE MEADOW LAKE BOATHOUSE
(INCLUDING A BICYCLE AND BOAT RENTAL)
AND A SNACK BAR AT THE EDERLE FOOD KIOSK, IN
FLUSHING MEADOWS CORONA PARK**

QUEENS



ISSUE DATE:

SEPTEMBER 28, 2001

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

REQUEST FOR PROPOSALS (RFP)

**FOR THE OPERATION OF A RESTAURANT/FOOD SERVICE FACILITY AT THE
MEADOW LAKE BOATHOUSE (INCLUDING A BICYCLE AND BOAT RENTAL)
AND A SNACK BAR AT THE EDERLE FOOD KIOSK, IN
FLUSHING MEADOWS CORONA PARK, QUEENS**

NYC Parks and Recreation requests proposals for the operation of a restaurant/food service facility at the boathouse located near Meadow Lake, and a snack bar at the kiosk facility to be built at Ederle Field, in Flushing Meadows Corona Park, Queens. **Parks is offering a term of twenty (20) years for this concession.** 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

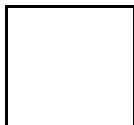
The City of New York Parks and Recreation Project Manager for this concession is Anjan Mishra. All RFP questions and/or inquiries should be directed to him. He may be reached at the Arsenal in Central Park at (212) 360-1397. You may also fax your questions to him at (212) 360-3428 or e-mail him at Anjan.Mishra@parks.nyc.gov.

REQUEST FOR PROPOSALS TIMETABLE

The following schedule has been established for the Request for Proposals for the operation of a restaurant/food service facility at the Meadow Lake Boathouse and a snack bar at the Ederle Field Kiosk, in Flushing Meadows Corona Park.

RFP Release Date:	Friday, September 28, 2001
Proposer Meeting & Site Tour:	Thursday, November 1, 2001 @ 12:00 pm
Proposals Due:	Wednesday, December 12, 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.

FLUSHING MEADOWS CORONA PARK

Flushing Meadows Corona Park, one of New York City's most prized flagship parks, is comprised of 1,255 acres of beautifully landscaped meadows, lakes, fountains, stadia, athletic fields, playgrounds, a zoo and a museum. Once a dumping ground for ashes, the area was transformed in the 1930's by then Parks Commissioner Robert Moses into a City park, and was found to be a perfect area to host the 1939 and 1964 World's Fairs. Some of the prominent structures left behind from the 1964 World's Fair include the Unisphere, Boathouse, Marina, the Hall of Science, the New York State Pavilion and Towers, and Terrace on the Park to name a few. The Park is currently undergoing comprehensive multiyear, multi-million dollar capital renovations, including the newly reconstructed Flushing Bay Promenade, the Ederle Complex, and the soon to be built indoor swimming pool and ice rink facility. The Ederle Complex will include a kiosk expected to be completed in spring of 2002 that will be part of this concession opportunity, along with the existing Boathouse facing Meadow Lake.

PROJECT BACKGROUND

Through the late 1970's the Boathouse was a seasonal food service facility operating under a license agreement from Parks. In the mid-1980's Parks licensed the building to a concessionaire who was required to repair the facility and begin operation. This construction was substandard and minimal, and the restaurant never opened. This concession opportunity now consists of the boathouse, as well as the adjacent storage facility and a boathouse dock. This adjacent storage facility and boathouse dock may be used by the concessionaire for a bicycle and boat rental. This bicycle and boat rental may be sublicensed with Parks' approval of the sublicensee. Additionally, a post-tension block kiosk will be constructed in the northwest end of the Meadow Lake, and will also be part of this concession opportunity. The kiosk will be out-fitted with a quarry tile pavement, glass mosaic wall tiles, and will contain all necessary utilities for the operation of a concession (e.g., electricity, plumbing, etc.). The kiosk is expected to be completed in spring of 2002, and will then be made available to the successful concessionaire for the operation of a snack bar. Plans for this kiosk will be made available to the successful concessionaire.

Based on inspections by architects and engineers from Parks, the Boathouse building is in need of substantial renovation. Next to the main concession building there exists a storage facility and dock area that are being used for renting bikes and boats. The concessionaire should note that the American Small Craft Association (TASCA) has the use of the floating dock and a small fenced in enclosure next to the bike rental. This will continue to operate during the term of the boathouse license.

There is ample parking adjacent to the facility. The parking lot will remain public. However, a valet service will be permitted after dusk. There is an electrical system serving Meadow Lake East; the boathouse should be able to draw 400 amps from this system. All utilities will be metered and all related costs will be the sole responsibility of the concessionaire. Any changes

in electrical service must be negotiated with Parks' Electrical Engineering Division and Con Edison and effected at the expense of the concessionaire. NYC Parks & Recreation seeks a concession that will be designed, maintained and operated at the highest standards and will make a significant improvement to the visual quality and ambience of the park and its community while providing a convenience for the public.

CAPITAL IMPROVEMENTS & INVESTMENTS

Parks anticipates the proposers will have to make a substantial capital investment. Among the items (including but not limited to) which Parks expects operators to undertake are the following:

The Meadow Lake Boathouse structure will require the following:

- X New plumbing
- X Sewage connection with ejector or septic system.
- X A trash compactor
- X New gas line*
- X New windows
- X Complete renovation of the interior and exterior of the boathouse including roof repair or replacement
- X Renovation of the exterior deck as needed.
- X Outfitting the Boathouse for food storage and preparation, dining space, café equipment storage and restrooms.
- X Purchase of tables and chairs to be placed indoors and on the deck facing Meadow Lake. All layout and designs are subject to Parks' approval.

The Ederle Field Kiosk will require the following:

- X Complete outfitting of the kiosk facility to be located at Ederle Field, for the operation of a snack bar/food service concession. This kiosk will contain necessary utilities for the operation of a snack bar/food service facility. Plans for the kiosk will be made available to the successful concessionaire.

Public access through the operating area must not be impeded.

* Proposers will be responsible for all utility costs related to the operation of this concession, both at the Boathouse and at the Kiosk. This may include, but is not limited to, the introduction of gas service to the Boathouse. Proposers may, however, submit proposals for the operation of this food concession without consideration for gas service.

The successful proposer will be required to obtain an engineer's report on all needed repairs and to execute them at his/her sole cost and expense. The services of a New York State licensed architect or engineer must be retained. Enlargement of the facility may be proposed, but no second story will be considered. Note: all designs and work to be performed on the structure will require prior approval from the Department of Parks and Recreation.

Parks believes that a full service Café is best suited for this location but will entertain all proposals for food service at this facility, including catering. Proposers should be aware that Parks is requesting proposals in which a restaurant is the **main component**. Therefore, the proposed food service facility may not be exclusively intended for catering.

The concessionaire must submit a menu with the proposal. Items and prices will be subject to Parks' approval. Wine and beer may be served. The sale of additional items is subject to Parks' approval.

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. **The fee is 1.0% of the total cost.** 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.

OPERATIONS AND MAINTENANCE

The concessionaire will be required to clean the area surrounding the Concession. This area includes but is not limited to the food service building, the kiosk snack bar, restroom facilities at both sites, and exterior deck area. In addition, the seating must be arranged so that pedestrian traffic around the respective areas is not inhibited.

THE TERM AND REQUIREMENTS

The term for this concession will be twenty (20) years. No longer term will be considered. This concession will be operated pursuant to a license agreement; no leasehold or other proprietary right is offered.

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. A security deposit of at least 25% of the highest year's guaranteed minimum license fee will be required for the duration of the term. This security deposit will be due upon signing.
3. The concessionaire will be required to carry at least \$1,000,000.00 in general liability insurance coverage and property damage liability insurance coverage, and replacement value in fire and casualty coverage with the NYC Department of Parks and Recreation named as Additional Insured.
4. Proposers should be aware that this concession will be developed and operated pursuant to a license agreement issued by Parks. In the event that this agreement is terminated for reasons other than licensee's breach of the agreement, Parks will not consider proposals for reimbursement of unamortized capital improvement costs as of the date of termination.
5. The successful proposer will be required to retain the services of a licensed Architect or Engineer and to submit plans for the concession, including the tables, chairs and their dimensions for the food service building and kiosk snack bar, and to obtain all required City, state and federal approvals and permits. All plans are subject to the approval of NYC Parks & Recreation.
6. The concessionaire will not be permitted to cut down or remove any trees on the permitted premises without prior written approval from Parks. Any attachments to the trees, such as lights, will not be permitted.
7. The bicycle and boat rental concession permit will be awarded to the successful proposer. At that time the concessionaire will have the use of the adjacent storage facility for renting boats. The concessionaire will be responsible for doing any necessary repairs to this area of the concession also.
8. The concessionaire will be responsible for securing the chairs, tables, umbrellas and any other equipment every evening. Storage will be permitted at the site.
9. The concessionaire will be responsible for any and all utility costs connected with the operation of this concession. This includes but is not limited to installing all necessary utilities, service lines, conduits, water meters, pipes, etc. The concessionaire will be required to remove any unsuitable existing materials as required. Parks & Recreation makes no representations that there are adequate utilities currently in place at the site.
10. The concessionaire will 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 as or better than that at the commencement of the license term.

11. 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.
12. The concessionaire will comply with all City, state and federal laws relating to access for persons with disabilities.
13. 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.
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 restaurant.
15. The selling 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.
16. The concessionaire's staff will be required to wear uniforms approved by Parks.
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. 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.
18. The concessionaire will be responsible for cleaning bathrooms at these facilities on a regular basis, including scrubbing floors and tiles, repairing holes in the walls with tiles as appropriate, removing any graffiti, painting where necessary, supplying paper towels, toilet paper and soap, and repairing or replacing plumbing fixtures as needed. The concessionaire will be obligated to maintain a regular cleaning schedule, as well as a regular extermination service schedule.
19. The concessionaire will be required to make all necessary repairs to the licensed premises during the term of the license.
20. The concessionaire will be responsible for maintaining total security within the licensed

premises and the immediate surrounding area.

21. The concessionaire must cooperate with Parks during special events or other unanticipated eventualities.
22. 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.
23. In addition to a Parks permit, the concessionaire will have to obtain a Health Department License. The concessionaire will also be required to obtain all necessary City, state and federal permits necessary for the outfitting and operation of this concession.
24. Parks Inspectors may visit the concession site unannounced to inspect operations and determine whether or not the concessionaire is complying with the terms of the permit. If these inspectors find violations, the concessionaire may be assessed a fine for each violation. Concessionaires must also comply with all directives originating from inspections by any other City, state or federal agency having jurisdiction over the operation of this concession, (e.g. NYC Department of Health, NYC Fire Department).

SPECIAL NOTE: PARKING LOT

1. The concessionaire should be aware that each year, the parking lot may be utilized for parking at the USTA National Tennis Center for the U.S. Open Tennis Tournament, which is from one (1) week before until one (1) week after Labor Day.
2. Parks reserves the right at all times to make the final determination as to the use of the parking lot.

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 # Q99-SB-BH, R**
- X **Meadow Lake Boathouse and Ederle Field Kiosk**
- X **Wednesday, December 12, 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 \$7,500.00** 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 Wednesday, December 12, 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. Proposers should also indicate whether they have had previous experience working for a City agency or with City regulatory agencies, and the extent to which they can accommodate City procedures.
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 include a detailed description of their planned operations, including the intended use for the facility, hours of operation, prices and fees, sample menu items, a cleaning and maintenance schedule, and related information.
7. 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 local community. Parks will view favorably proposals that will employ members of the local community.
8. Proposers should include a financial statement listing assets and liabilities, prepared in accordance with standard accounting procedures.
9. NYC 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 assess customer satisfaction with the services offered at 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.
10. Proposers should describe all proposed capital work and provide cost estimates for this capital work in their proposals. Proposers should also submit a detailed capital design timetable which clearly outlines intended improvements and the anticipated commencement and completion dates of these improvements. Proposers should note

Parks weighs capital investment and design heavily in its proposal evaluation process. In the successful proposer's license agreement, the cost estimates provided in the proposal will become a minimum required expenditure, and the time frame proposed will be included as a requirement. Therefore, proposers are urged to be realistic or even conservative in the investment and time frame that they offer

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 Capital investment and designs submitted
- X Operating experience in the field, including experience as a City concessionaire, if applicable
- X Proposed operations, including designs submitted and menu concepts
- 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; therefore, 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