

**SOLICITATION# Q10-FL 1/05**

**REQUEST FOR PROPOSALS**

**FOR THE OPERATION OF A FLOWER STAND  
AT CLEARVIEW PARK  
QUEENS**



**ISSUE DATE:**

**JANUARY 17, 2005**

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

**REQUEST FOR PROPOSALS (RFP)**

**FOR THE OPERATION OF A FLOWER STAND AT CLEARVIEW PARK, QUEENS.**

City of New York Parks & Recreation requests proposals for the operation of a flower stand for the sale of flowers at Clearview Park, located at Willets Point Boulevard opposite the entrance to Clearview Golf Course, Queens. The concession will be operated pursuant to a license issued by Parks; no leasehold or other proprietary rights are offered.

**PROJECT MANAGER**

The City of New York Parks and Recreation Project Manager for this concession is Gabrielle Ohayon. All RFP questions and/or inquiries should be directed to her. She may be reached at the Arsenal in Central Park at (212) 360-3454. You may also fax your questions to her at (212) 360-3434 or e-mail her at [gabrielle.ohayon@parks.nyc.gov](mailto:gabrielle.ohayon@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 a flower stand at Clearview Park, Queens:

<b>RFP Release Date:</b>	<b>Monday, January 17, 2005</b>
<b>Site Tour:</b>	<b>Wednesday, February 2, 2005 @ 12 pm</b>
<b>Proposals Due:</b>	<b>Tuesday, March 1, 2005 @ 3:00 pm</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 Managers at least 48 hours prior to the deadline and special arrangements will be made for you.***

**Project Background: Clearview Park**

Clearview Park and Golf Course was founded in 1925, and is bounded by the Clearview Expressway, 23rd Avenue, 202nd Street, and Bell Boulevard. Originally named the Clearview Golf and Yacht Club, the establishment served as an exclusive retreat for New Yorkers. The course is located by Little Neck Bay and is aptly named for its views of the East River and Long Island Sound.

Clearview Park and Golf Course is a public 18-hole course located about 15 miles from midtown Manhattan. The somewhat hilly course contains both straight, open fairways as well others lined with trees and forest.

The facility includes such amenities as a pro shop, lessons, clinics, a clubhouse, lockers, a snack bar, a lounge/bar, and a snack stand roaming the course.

### **The Term**

The term for this concession will be **five (5) years**. 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.

### **The Concession: Flower Stand at Clearview Park**

NYC Parks & Recreation seeks a concessionaire that will operate a non-permanent structure for the sole purpose of vending flowers at Clearview Park. This concession will be designed, maintained and operated at the highest standards. Parks will look favorably upon proposals that include an aesthetically pleasing design that would enhance the overall appearance of the concession area. This may include, but is not limited to planters, curbing and landscaping, subject to the approval of Parks and all other City, State and Federal Agencies having jurisdiction.

The concessionaire may sell flowers from a non-permanent structure, such as a stand, cart or kiosk, subject to Parks' approval. The size, design and setting of the flower concession will be subject to Parks' approval. The concessionaire will be required to submit a sketch or rendering of the non-permanent structure, including its dimensions. All plans for the structure are subject to the approval of NYC Parks & Recreation.

The concessionaire will be obligated to supply all equipment necessary to run the concession. The concessionaire will also be responsible for securing and locking up the inventory and equipment every evening.

The concessionaire must submit a list of items to be sold with the proposal. Items and prices will be subject to Parks' approval. Items that may be sold include flowering plants, foliage plants, cut flowers, herbs and related accessories. The sale of additional items is subject to Parks' approval.

### **ON-SITE INSPECTION MEETING**

There will be an on-site inspection meeting on Wednesday, February 2, 2005 at 12 PM. We will meet at Clearview Park, located at Willets Point Boulevard opposite the entrance to Clearview Golf Course in Queens. If you are considering responding to this RFP, please make every effort to attend this meeting.

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

1. The successful proposer will be responsible for obtaining any and all necessary approvals, permits and licenses for the lawful operation of this concession.
2. The concessionaire will be responsible for securing all inventory and equipment each evening. The concessionaire will be obligated to supply all equipment necessary to run the concession.
3. The concessionaire must submit a price list with their proposal. All prices, items for sale, and hours of operation are subject to Parks' approval.

4. The concessionaire will be required to submit a sketch, rendering or a photograph of the non-permanent structure to be erected. All plans for the concession are subject to Parks' approval.
5. The concessionaire must operate, maintain and clean the entire area within a 50- foot area of the concession. In the designated area, the concessionaire will provide garbage cans approved by Parks and will be responsible for regularly emptying the cans. Garbage cans must be present at all times. The concessionaire must comply with all City, State and Federal regulations regarding recycling. The concessionaire's plan for garbage storage and removal must be approved by Parks.
6. The concessionaire will be required to carry liability insurance in the amount of \$500,000 personal liability and \$50,000 property damage insurance. The insurance certificate must name NYC Parks & Recreation as additional insured.
7. 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.
8. The concessionaire will be obligated to 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.
9. The concessionaire will comply with all City, state and federal laws relating to access for people with disabilities.
10. Trees may **not** be removed from the licensed premises. Removal of any trees can only be done with the explicit written approval of NYC Parks & Recreation. Parks does not intend to approve the removal of any living, healthy trees in connection with this concession.
11. The selling and/or advertising of cigarettes, cigars, or any tobacco products is strictly prohibited. It is the concessionaire's responsibility to adhere to and enforce this policy.
12. The concessionaire will be responsible for operating and maintaining the facility as a concession for the use and enjoyment of the general public.
13. The concessionaire must keep all signs and structures free of graffiti.
14. The concessionaire must cooperate with Parks for special events and other unanticipated eventualities.
15. The concessionaire's staff will be required to wear uniforms approved by Parks.
16. Proposers should be aware that the City is developing "marketing partnership" agreements identifying specific brands as the "designated" products of the City of New York. As this occurs, the concessionaire will be required to sell the specific products so identified if the concessionaire sells goods in that product category. If directed by the City, the concessionaire will be required to purchase the products from designated distributors, provided the said distributors provide the products at a competitive price. If the product is in the form of a service, the concessionaire will be required to use the service identified. (For example, if the City enters into a marketing partnership with a financial institution that provides credit card service, the concessionaire will be required to

accept payment by means of that credit card). The concessionaire, working with the City's marketing representative, may be required to give the City's marketing representative priority in the placement and scheduling of advertising. Marketing partners will be required to pay the market rate for any such advertising. In addition, the City reserves the right to place vending machines on and around the licensed premises and to preclude licensee from selling products in those categories for which the City has entered into a "marketing partnership" with a marketing partner. Preclusion of any such product will not change the amount of payments to the City. The City's marketing partners may also be authorized to install, operate, maintain and repair vending machines within the licensed premises that compete with licensee's products. Licensees should also be aware that the City has entered into a marketing partnership agreement with the Snapple Beverage Group, Inc., pursuant to which, Snapple has been granted the exclusive right to sell iced teas, bottled water and chocolate drink in vending machines on city owned or controlled property. Licensee may be precluded from selling those products if Snapple vending machines are placed on or around the licensed premises.

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.

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

##### **A. PROPOSAL SUBMISSION REQUIREMENTS**

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

1. Each proposal must contain a fee offer.
2. All proposals must be received in the office of the Assistant Commissioner, Revenue Division, NYC Parks & Recreation, The Arsenal, 830 Fifth Avenue, Room 407, New York, NY 10021, no later than **Tuesday, March 1, 2005 at 3:00 p.m.** Hand delivery to Room 407 before the deadline is recommended. All proposals must be submitted in sealed envelopes. Proposals received after the time and date listed above will be returned to the proposer unopened and will not be considered for award.
3. All proposers are required to submit as a proposal deposit a **cashier's/bank check, certified check or money order in the amount of \$2,500** with the proposal (payable to NYC Parks & Recreation). **Personal checks will not be accepted.** The check/money order will be retained as liquidated damages in the event the successful proposer fails to enter into an agreement with Parks. All other checks/money orders will be returned to unsuccessful proposers immediately after the evaluation process is complete.

##### **B. PROPOSAL SUBMISSION GUIDELINES**

**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 should submit a proposal that includes all the required information and a fee offer. The fee offer should state the highest sum each proposer is prepared to pay to the City expressed as guaranteed annual minimum fee. **The City strongly urges that there be an increase in the guaranteed minimum fee over the license term.**
2. All proposers must submit completed copies of Vendor Questionnaires and Principal Questionnaires. All of these forms can be obtained from the website, [www.nyc.gov/vendex](http://www.nyc.gov/vendex) or by contacting the Revenue Office of the Parks Department. Please submit four (4) copies of each form.
3. Proposers should clearly identify their relevant qualifications and experience in previous successful management of similar facilities. Proposers should submit a resume or detailed description of professional qualifications, and include the names and addresses of all corporate officers submitting the proposals.
4. Proposers should also indicate whether they have had previous experience working with a City agency, or with City regulatory agencies, and the extent to which they can accommodate City procedures.
5. It is desirable that proposals be accompanied by drawings showing the proposed concession. All final designs of the successful proposers must be approved by NYC Parks & Recreation.
6. Proposers should give an estimate of the number of full-time and part-time employees and categories of employment with a breakdown of how many from the community will be hired.
7. All proposals should be submitted on **one side only** of 8.5" 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 8.5" x 11". **Please submit four (4) copies of your proposal.**
8. All proposals should include your most recent financial statements, including a balance sheet and income statement, as well as a detailed, well thought out pro-forma income and expense projection for each year of operation. The pro-forma should include explanations for all your assumptions.
9. NYC Parks & Recreation is charged with improving customer satisfaction with our services. Parks will view favorably all proposals that incorporate self-check mechanisms indicating 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, NYC Parks & Recreation would like to see proposals that indicate how the proposer would improve services offered to the public if necessary.

### **C. 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.

**Please submit four (4) copies of your proposal submission.** Proposals should be 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:

- Your name and address
- Solicitation # Q10-FL 12/04
- Clearview Park Flower Stand Concession
- Return Date: **Tuesday, March 1, 2005 @ 3 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.

As part of this submission, you should include completed copies of Parks' business questionnaires (Business, Business Entity, Principal, and Personal questionnaires) and VENDEX business questionnaires (Business Entity and Principal Questionnaires), which you can obtain by contacting the project manager.

#### **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**
- **Operating experience in the field, including experience as a City concessionaire, if applicable**
- **Designs submitted**
- **Planned operations, including maintenance, product quality, variety and affordability**
- **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. 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.

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.

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 are required to 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, Room 835, New York, New York 10007. This office may be reached at (212) 669-2323.

Adrian Benepe,  
Commissioner