



**City of New York  
Parks & Recreation**

The Arsenal  
Central Park  
New York, NY 10021

**SOLICITATION # Q-01-SB, 05/06**

## **REQUEST FOR PROPOSALS**

### **FOR THE CONVERSION OF AN ADMINISTRATOR'S BUILDING AND COMFORT STATION INTO A FOOD SERVICE FACILITY IN ALLEY POND PARK**

## **QUEENS**

**ISSUE DATE**

**May 2, 2006**

**Michael R. Bloomberg  
Adrian Benepe  
Joanne G. Imohiosen  
Dorothy Lewandowski**

**Mayor of the City of New York  
Commissioner of Parks and Recreation  
Assistant Commissioner for Revenue  
Queens Borough Commissioner**

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

## **Request for Proposals**

The City of New York Department of Parks & Recreation ("Parks") requests proposals for the operation and maintenance of a food service facility in Alley Pond Park, Queens. The administrator's building and comfort station are located adjacent to Union Turnpike and Grand Central Parkway. Parks is seeking proposals to redevelop the building as a food service facility by renovating the building in such a way as to preserve its architectural character. The food and service offered must be of high quality.

### **The Term**

Parks is seeking a concessionaire for a **fifteen (15) year term with one (1) five (5) year option, 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 Project Manager for this concession is Slater Gray. All Requests for Proposals ("RFP") questions and/or project inquiries should be directed to her at (212) 360-1397, or fax your questions to her at (212) 360-3434, or email her at [slater.gray@parks.nyc.gov](mailto:slater.gray@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 this RFP:

|                   |  |
|-------------------|--|
| RFP RELEASE DATE: | <b>May 2, 2006</b>                       |
| SITE TOUR:        | <b>Thursday, May 18, 2006 at 2:00 PM</b> |
| PROPOSALS DUE:    | <b>Thursday, July 6, 2006 at 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 Manager at least 48 hours prior to the deadline and special arrangements will be made for you.**

## **PROJECT BACKGROUND: ALLEY POND PARK**

Alley Pond Park is the second-largest park in Queens. The land for the park was gradually acquired by the City between 1927 and the present. It officially opened in 1935 to offer bridle paths, tennis courts, picnic areas, a 23-acre bird sanctuary and a 200-space parking lot to the public. Over \$10.9 million was spent from 1985 to 1999 to acquire more land for the park, ensuring that historic Alley Pond remains a place of respite and recreation for many years to come.

The available facility is an attractive, one-story stone building currently being used as an administration building and comfort station adjacent to the park's five popular ball fields and sixteen tennis courts, which are bubbled in the winter for indoor use. Each year, over 1,000 park permits are issued for 100 different leagues competing in baseball, softball, cricket, football and soccer on these fields. These leagues are comprised of both children's and adult teams, which brings a diverse age group to the park. In addition, the site is host to numerous popular special events throughout the course of the summer and lies across the street from the busy Creedmore Hospital. The building is accessible to passing vehicle traffic as it is positioned next to a large parking lot adjacent to Union Turnpike near the Long Island Expressway, Cross Island Parkway, and Grand Central Parkway. The neighboring Douglaston Mall and Glen Oaks Village also lie within convenient driving distance of the concession site.

The intent of the concession is to convert the administration building (approximately 1,800 square feet) into a pleasant and affordable food service facility for the public. One small office will be kept for Parks' administrative purposes and storage space for maintenance materials. During the warmer months, tables and chairs can be set up outside for dining with views to the ball fields and tennis courts.

Parks seeks creative and detailed proposals that are sensitive to the park, surrounding community and architectural integrity of the building. Proposers should submit drawings showing the proposed layout and appearance of the facility and the concession site, a detailed plan of operation, price lists, and other appropriate ideas that will facilitate the development of this facility. All plans will be subject to Parks' approval.

Parks & Recreation seeks a concession that will be designed, maintained and operated at the highest standards and will make a significant improvement to the ambience of the park while providing a convenience to the public.



## **MENU**

The concessionaire should submit a menu with the proposal. The food and service provided must be of high quality yet affordable. Proposers should include some low-cost food items on their menus.

Wine and beer may be served, provided that the concessionaire obtains the appropriate license from the State Liquor Authority (SLA). **Wine and beer may only be served during sit-down service and must be consumed on the premises.**

## **ON-SITE INSPECTION MEETING**

**There will be an on-site inspection meeting on Thursday, May 18, 2006 at 2:00 PM. We will be meeting at the proposed concession site, which is adjacent to Union Turnpike and Grand Central Parkway, Queens. We will be meeting in front of the existing building. If you are considering responding to this RFP, please make every effort to attend this meeting.**

## **CAPITAL IMPROVEMENTS & INVESTMENTS**

Parks anticipates a substantial investment from the proposer. All costs associated with the renovation and operation of the facility will be paid for by the concessionaire. A complete interior remodeling will be required to convert this building into a food service facility, which may include a snackbar and café. Parks expects that the capital investment for this concession will include, but not be limited to, the following:

1. Install new windows and doors to open up the park-side façade to provide light and allow views of the fields and courts. Style and design should be in keeping with the overall character of the building.
2. Purchase and maintain all kitchen equipment including, but not limited to stoves, refrigerators, ovens, grilles, sinks, ansul exhaust and fire suppression system.
3. Install new display and service counter or provide alternate plans for interior service.
4. Install new electric meter, upgrading service if needed.
5. Install new lighting systems.
6. If gas service is desired, the concessionaire will be required to install new gas meters, gas lines and initiate service.
7. Maintain and service the existing restrooms, making repairs to fixtures, stalls, doors, windows and accessories if necessary.
8. Maintain sewer lines and install new grease traps to code at all sinks used for food service.
9. Upgrade plumbing system, including all piping fixtures, drainage and water, installing a new water meter for the food service facility.
10. Repair and repaint the interior throughout.
11. Repaint and reseal any exterior wood trim and moldings.
12. Provide a new secure storage room in the existing locker rooms. This area may include a walk-in refrigerator box.
13. Provide temporary barriers and landscaping to define the outdoor seating area. If the grass areas on the park side of the building are used for seating, landscaping and maintenance will be required. Parks must approve all landscaping and seating areas.

14. Provide an exterior storage shed measuring at least 10 ft. x 12 ft. for maintenance materials.  
The shed needs to be able to open up to a width of 12 feet for access.

The concessionaire shall comply with all New York City and Federal requirements to provide safe and accessible recreational opportunities for everyone, including persons with disabilities. The concessionaire is encouraged to exceed accessibility requirements whenever possible, and not simply provide the minimum level required.

The successful proposer will also be required to supply all additional non-fixed equipment and materials for the successful operation of the facility. This equipment should be listed separately in your proposal under the category of additional investment. This equipment will remain the property of the proposer and the investment will not be applied to the required capital expenditure.

The building's footprint will not be permitted to be expanded.

Parks will consider designs that include outdoor seating. Proposers should submit designs of the tables and chairs they plan to use for this purpose. The exact placement and number of such tables and chairs are subject to Parks' approval.

*Note: All designs, outdoor signage, and capital work performed at the site will require prior approval from Parks, the New York City Art Commission, the New York City Landmarks Preservation Commission (if applicable), and any other agencies having jurisdiction. Additionally, all necessary permits and approvals for capital work and designs for on-site structures must be obtained from the Department of Buildings.*

Parks makes no representations regarding the adequacy of utilities currently in place at the site. The concessionaire will be responsible for connecting to and/or upgrading any existing utility service or creating a new utility system, and obtaining the appropriate permits and approvals. The concessionaire will be responsible for any and all utility costs connected with the operation of this concession during the term of license. These utility costs include paying all water and sewer charges that the Department of Environmental Protection (DEP) assesses for water usage.

All capital improvements and equipment applied towards the proposer's capital investment become the property of Parks upon installation, at Parks' option. The successful proposer will also be required to supply all additional equipment and materials necessary for the successful operation of the facility, including but not limited to personal kitchen equipment, tables and chairs. **Proposers should differentiate between equipment to be applied towards the minimum required capital expenditure and personal expendable items in their proposals.** The concessionaire shall pay for all improvements. In putting together your capital submission, please be aware that in the successful proposer's license agreement, the cost estimates provided in its proposal will become a minimum required capital expenditure, and the time frame proposed will become a mandatory capital schedule. In the event the successful proposer performs all capital improvements for less than the minimum required capital expenditure, any excess monies will be remitted to the City as additional license fees. Therefore, please be realistic or even conservative in the investment and time frame you offer. Personal equipment not applied toward the required capital expenditure will remain the property of the concessionaire. These personal expendable items should be listed separately in your proposal under the category of additional investment.

Proposers should be aware that this concession will be developed and operated pursuant to a license agreement issued by Parks. In the event the license agreement is terminated, Parks will not consider proposals for reimbursement of licensee's unamortized capital improvement cost as of the date of termination.

In their submissions, proposers should describe all intended capital work and provide cost estimates, drawings, and a timetable for proposed capital work. (For more information, please see the *Proposal Submission Guidelines*.)

Any available plans may be obtained from Parks' Blueprint/Document Services Center at the Olmsted Center in Flushing Meadows-Corona Park, Queens. To make an appointment, please contact Steve Rizick, Director of Document Services, at (718) 760-6798. Parks makes no representations as to the availability, accuracy or completeness of these documents. There is a nominal fee for reproductions.

#### **Design Review Fee**

A percentage of the total cost of all capital improvements will be charged to the concessionaire for the review of the design documents by Parks Personnel. Upon signing the license agreement, the successful proposer will pay the design review fee, which is one percent (1%) of the capital investment to which the proposer/licensee is committed in the license agreement.

### **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 construction and lawful operation of this concession.
2. The concessionaire will be responsible for operating and maintaining the facility as a concession for the use and enjoyment of the general public. The Alley Pond Striders running group should be provided with bulletin board space for their advertisements and announcements.
3. 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, which may be in the form of a letter or credit or other format approved by Parks, will be due upon signing.
4. The concessionaire will be required to carry Commercial General Liability insurance in the amount of \$1,000,000, Personal Injury Liability insurance in the amount of \$1,000,000, Property Damage insurance in the amount of \$50,000, and statutory limits of Worker's Compensation and Disability Insurance. This insurance certificate must name the City of New York and the New York City Department of Parks & Recreation as an additional insured. Fire and extended coverage equal to the replacement value of the structures will also be required, with Parks named as sole insured. Proposers are on notice that the City may require higher liability limits if, in the opinion of the City's Risk Manager, the proposed program warrants it.
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 at the commencement of the license term.
6. 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. These utility costs also include paying all water and sewer charges that the Department of Environmental Protection (DEP) assesses for water usage. The concessionaire will be responsible for removing any unsuitable existing materials as required. Parks makes no representations that there are adequate utilities currently in place at the site.

7. The concessionaire will be required to submit monthly statements of gross receipts from all categories of income in a format approved by Parks. 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. The concessionaire will be required to maintain a revenue control system to ensure the accurate and complete recording of all revenues, in a form and manner acceptable to the City.
8. The concessionaire must remove all rubbish generated by this concession from the licensed premises and surrounding areas affected by the facility's operation. The concessionaire will be responsible for cleaning the licensed premises and the area within fifty (50) feet of the licensed premises. The concessionaire must provide garbage cans approved by Parks and have these cans emptied on a daily basis and all garbage removed by a private carter. 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. The concessionaire will be required to maintain and clean the men's and women's bathrooms whenever the concession is operating.
9. The concessionaire must keep all signs and structures in good condition and free of graffiti.
10. The concessionaire will not 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.
11. Proposers should submit their menus, price lists, and hours of operation. The menu, price list and hours and days of operation are subject to Parks' approval.
12. The seating must be arranged so that pedestrian traffic around the area is not inhibited. The concessionaire will be required to submit a sketch or rendering of the exterior and interior of the facility, including dimensions, pictures of the tables, chairs (and umbrellas, if appropriate) to be placed outside the building, as well as a statement of anticipated capital investment. All plans for the facility are subject to Parks' approval. The design, condition, location, and exact number of chairs, tables and umbrellas are subject to Parks' approval. Advertisements on umbrellas will not be permitted without the express prior approval of Parks.
13. Concessionaires will not be permitted to place advertisements on the exterior of their concession area, or on the buildings, or carts. Advertising of product brands will not be allowed without Parks' approval. **Any and all signage is subject to Parks' approval.**
14. The concessionaire will be required to make all necessary repairs during the terms of the license.
15. The concessionaire will be responsible for maintaining total security within the licensed premises and cooperating with Parks to ensure security of the surrounding parkland. The concessionaire will be responsible for securing the building, tables, chairs and any other equipment every evening. It will be the concessionaire's responsibility to provide storage for equipment when the facility is not operating.
16. The concessionaire must cooperate with Parks during special events and other unanticipated eventualities.
17. The concessionaire will comply with all City, State and Federal laws relating to access for persons with disabilities.
18. 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.

19. Smoking in any building is strictly prohibited. It is the concessionaire's responsibility to adhere to and enforce this policy.
20. Pursuant to Parks' policy citywide, the concessionaire will not be permitted to sell any beverages in glass bottles. All beverages must be in non-glass, shatter-proof containers. Also, the use of polystyrene packaging or food containers will be prohibited in the operation of the concession.
21. The concessionaire must retain a professional New York State-licensed 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 required to ensure that all construction conforms to the plans approved by Parks' Design Division. Proposers shall submit these Engineer or Architect's qualifications to Parks for approval.
22. The concessionaire will pay all taxes applicable to the operation of the concession. Gross receipts shall exclude the amount of any federal, state or city taxes which are paid by the concessionaire against its sales.
23. The successful concessionaire will be required to register any and all underground oil storage tanks over a 1,100 gallon capacity with the Department of Environmental Protection (DEP). The concessionaire will then be required to perform or have performed a tightness test conducted at least once every five years.
24. A construction security deposit, in an amount and format approved by Parks & Recreation, may be required to ensure that all renovation work is completed. If required, this security deposit must be in place before any construction or renovation commences.
25. The concessionaire is required to have an asbestos inspection performed on the facility prior to the commencement of construction. In the event that asbestos removal is deemed necessary, the concessionaire will remove the asbestos according to City, State and Federal regulations.
26. The concessionaire shall provide for regular extermination.
27. No materials may be stored in the boiler room or the electric room.
28. Parks is seeking proposals that include a secure shed for maintenance materials of at least 10 feet by 12 feet. The shed needs to be able to open up to a width of 12 feet for access. So as to ensure that the structure blends in with the surroundings, Parks will have final approval of the design.
29. Concessionaires must comply with all terms of their license agreements. Inspectors from Parks will visit the concession site unannounced to inspect operations and determine whether or not the concessionaire is in compliance with the terms of the license. If inspectors find violations, liquidated damages may be assessed to the concessionaire for each violation. If the liquidated damages are not paid promptly, they may be deducted from the concessionaire's security deposit.
30. Proposers should be aware that the City currently has and is developing "marketing partnership" agreements. These agreements may identify specific brands as the "designated" or "official" products or services of the City of New York. As this occurs, if the Licensee sells goods in a category that is the subject of a marketing partnership, the Licensee will be required to sell the specific products so identified on an exclusive basis. If directed by the City, the Licensee may be required to purchase the products from designated distributors or suppliers. The City will use reasonable commercial efforts to



work with designated distributors or suppliers to provide the products at a competitive price. Should the designated distributor or supplier be unable to furnish Licensee a competitive price, then Licensee shall be permitted to obtain the designated product from any source. If the subject of any marketing partnership is a service, the Licensee will be required to use the service identified if the Licensee utilizes the service that is the subject of a marketing partnership. (For example, if the City enters into a marketing partnership with a financial institution that provides credit card service, the Licensee will be required to accept payment by means of that credit card, but may in addition if the City's marketing partnership is non-exclusive, accept payment by means of another credit card). If a City marketing partnership for a service is exclusive, Licensee will be required to use that service on an exclusive basis. The Licensee, 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. With respect to designated or official products, the City reserves the right to place vending machines on the Licensed Premise and to require Licensee to sell on an exclusive basis only specified products. The City shall not place a vending machine within reasonable proximity of an area that would conflict with Licensee's operations. The City reserves the right to preclude Licensee from selling competing products (or using competing services) in those categories for which the City has entered into a "marketing partnership" agreement. Preclusion of any such product or service will not change the amount of payments to the City. Proposers 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. Accordingly, iced teas, bottled water and chocolate drink are designated products. As such, Licensee is precluded from selling iced tea, water or chocolate drink produced by a company other than Snapple Beverage Group, Inc. via vending machines.

## **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 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 # Q-01-SB 05/06**
- **Alley Pond Park Food Service Facility, Queens**
- **Return Date: Thursday, July 6, 2006 @ 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 bank check, official bank check, or cashier's check in the amount of \$5,000.00** with the proposal (payable to NYC Parks & Recreation). The check of the successful proposer 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 and received in the office of the Assistant Commissioner for Revenue, City of New York Parks & Recreation, The Arsenal, Room 407, Central Park, New York, New York 10021 **by Thursday, July 6, 2006 at 3:00 PM. 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. 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 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 (Vendor and Principal Questionnaires), which can be obtained through the Revenue Division or at [www.nyc.gov/vendex](http://www.nyc.gov/vendex).
3. 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.**
4. The proposal should include a resume or detailed description of the proposer's professional qualifications, demonstrating extensive experience in the industry, including any 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.
5. Proposers should submit a detailed timetable describing 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.
6. Proposers should submit designs showing the proposed exterior and interior of the building, tables, chairs, plantings, decor, etc. All final designs of the successful proposer must be approved by Parks and other pertinent agencies before construction can commence.
7. Proposers should submit a detailed operational plan for the entire facility, including but not limited to hours of operation, proposed menu, prices, plans for deliveries and rubbish removal, and a cleaning schedule. All operational plans, delivery schedules, rubbish removal schedules, menu items, prices, cleaning schedules, and hours of operation are subject to Parks' approval.

8. 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.
9. Proposers should include a financial statement or statements prepared in accordance with standard accounting procedures.
10. 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 community.
11. 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
- Operating experience in the field, including experience as a City concessionaire, if applicable
- Proposed capital investment and designs submitted
- Planned operations, including intended use of the facility, maintenance, and menu 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.

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. Parks 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 shall 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