

SOLICITATION# X92-2-GC

REQUEST FOR PROPOSALS

**FOR THE RENOVATION, OPERATION, AND MAINTENANCE OF AN
18-HOLE GOLF COURSE, CLUBHOUSE, AND FOOD SERVICE
FACILITY, WITH AN OPTION FOR A FULL-SCALE
RESTAURANT/BANQUET FACILITY
AT VAN CORTLANDT PARK**

BRONX



ISSUE DATE:

September 12, 2006

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

REQUEST FOR PROPOSALS (RFP)

The City of New York Department of Parks & Recreation (Parks) requests proposals for the Renovation, Operation and Maintenance of an 18-hole Golf Course, Clubhouse and Food Service Facility, with an option for a Full-Scale Restaurant/Banquet Facility, at Van Cortlandt Park, Bronx. Proposers should be aware that Parks will view favorably proposals that include the restaurant option. As such, those proposals that include the restaurant option will receive additional credit in our evaluation of the proposals submitted. Please note that should a proposer choose the option to construct and operate the restaurant/banquet facility, Parks will require that a separate fee be offered for that facility.

Parks is seeking proposers who can demonstrate substantial experience in the operation and maintenance of golf courses and sufficient financial capability to renovate, operate and maintain this facility at the highest level. If a proposer should choose the option to construct and operate the restaurant/banquet facility, then Parks expects that the proposer will demonstrate substantial experience in the restaurant industry as well.

The Term

Parks is seeking a concessionaire for one twenty (20) 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. Proposers should note the term will commence **no earlier than April 10, 2007**.

PROJECT MANAGER

The Project Managers for this concession are Gabrielle Ohayon and Anthony Macari. All RFP questions and/or inquiries should be directed to them. They may be reached at:

Phone: 212.360.1397

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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 Request for Proposals.

RFP Release Date:	Tuesday, September 12, 2006
Proposer Meeting & Site Tour:	Tuesday, October 17, 2006 at 11:00 AM
Proposals Due:	Wednesday, November 15, 2006 at 3:00 PM



If you have a physical disability and cannot deliver your proposal to the Arsenal, please contact the Project Manager(s) at least 48 hours prior to the deadline and special arrangements will be made for you.

PROPOSER MEETING & SITE TOUR

There will be an on-site proposer meeting and site tour on Tuesday, October 17, 2006 at 11:00 AM. We will be meeting at the proposed concession site, which is located at Van Cortlandt South and Bailey Avenue in the Bronx. We will be meeting in front of the clubhouse. If you are considering responding to this RFP, please make every effort to attend this meeting.

I. PROJECT BACKGROUND

New York City has a long and historic tradition of golf and it began in 1895 when the Van Cortlandt Golf Course was established as the first public course in the United States. It came into existence when prominent members of the Moshulu Golf Club in Riverdale petitioned James A. Roosevelt, a member of the Board of Parks Commissioners, to build a course in Van Cortlandt Park. Currently, there are thirteen public golf courses throughout four of the boroughs of New York City: four in the Bronx, two in Brooklyn, four in Queens, and three in Staten Island. These facilities are operated by private concessionaires, pursuant to license agreements with NYC Parks. Each year, more than 600,000 rounds of golf are played at these courses.

Van Cortlandt's original layout consisted of eight very short holes (none longer than 200 yards) and one extraordinarily long one, and spread over today's 1, 2, 3, 6, 7, 12, 13 and 14 holes. Playing through the 2,561-yard course was relatively easy for the first eight holes, each less than 200 yards. Then, golfers confronted the ninth hole, with a 700-yard fairway that crossed two stonewalls and two small brooks. The ninth hole was among the longest and most challenging hole ever created in the United States. In 1899, Architect Thomas Bendelow--a 30-year-old Scotsman and former typesetter, who would eventually design 650 golf courses in North America--expanded Van Cortlandt to a 120-acre, 18-hole golf course.

Unlike the City's more manicured parks, Van Cortlandt consisted of wildly sprawling grounds that made one forget the teeming urban landscape outside its borders. To golf enthusiasts, the fields, tall grasses, and colorful wildflowers of Van Cortlandt furnished the perfect spot for the golf links, which quickly earned the nickname "The Meadows." The Van Cortlandt Golf Course is also situated inside the park of the same name, which consists of deciduous forest, scrubland, meadows, ridges, wetlands, brooks and a man-made lake, providing avian habitat. A total of 237 species has been recorded since 1970 and at least 79 breed here. The Lake is the largest freshwater lake in the Bronx and was formed in the 1690s when Jacobus Van Cortlandt dammed Tibbetts Brook to power two mills. The lake offers inspiring vistas from the golf clubhouse area where visitors can observe scores of ducks, a few swans, and other waterfowl. Parks will therefore look favorably upon proposals that are committed to developing and implementing environmentally friendly maintenance practices. This could include a conversion to electric vehicles, and certification in the Audubon Cooperative Sanctuary Program for golf courses, which helps encourage native species to make the courses they operate their home.

In 2000, Parks embarked on an extensive \$20 million capital project to install state-of-the-art irrigation systems at twelve of the courses. Designed to combat erosion and improve course conditions, the newly installed irrigation systems use in-ground sprinkler heads fed by underground pipes, which draw water from wells and rain-fed ponds. To reduce the courses' dependence on City water sources, Parks installed a number of irrigation ponds, which rely partially on rainwater, springs, and, where feasible, well water. Completed in 2001, these improvements have not only enhanced the courses physically but also raised the

value of these properties from a business standpoint. As part of this Request for Proposals, Parks is seeking concessionaires who will build upon these improvements to upgrade the golf course at Van Cortlandt Park and improve the overall appearance of the facility.

It is our goal to have this course rank among the finest public golf courses in the Northeast. Parks is therefore seeking an experienced and financially capable proposer to undertake the renovation, operation, and maintenance of the Van Cortlandt Golf Course, with an option to construct and operate a full-scale sit-down white- tablecloth restaurant and banquet facility. Proposers should be aware that Parks will view favorably proposals that include the restaurant option. As such, those proposals that include the restaurant option will receive additional credit in our evaluation of the proposals submitted. Please note that should a proposer choose the option to construct and operate the restaurant/banquet facility, Parks expects that a separate fee will be offered for that purpose.

Directions to the Golf Course

The Van Cortlandt Golf Course is located at Van Cortlandt Park South and Bailey Avenue in the Bronx.

Driving: Take the Deegan Expressway North 230th St. (Exit 10), make a right at the light and quick left onto Bailey Ave., to Van Cortlandt West. From North take the Major Deegan to the Van Cortlandt exit (Exit 11); make left at light, at Van Cortlandt West get onto Deegan North approach, stay left under highway to course.

Public Transportation: Take the No. 1 train to 242nd Street

Existing Conditions

Golf Course Clubhouse

The existing clubhouse, which dates to 1902, includes two levels and features a lobby area, a sizable snack bar, a pro shop, locker rooms, restrooms on both levels, and some administrative offices. Currently, there is no handicap access for either the restroom or locker areas. There is considerable space in the vicinity of the restrooms and lockers to address this problem. Please see Capital Improvements section for more information.

Proposers should be aware that Parks currently occupies office space in the clubhouse. The concessionaire will be required to provide comparable space during the term of the license. The exact size and dimensions will be determined by Parks.

The clubhouse is in need of substantial renovation. Proposers should note that the clubhouse is a historic building; therefore, all work must be done to preserve the original, historical details.

Parking Lot, Entry and Access

The golf course contains two parking lots, identified as the “northern” and “southern” lots. The concessionaire will be responsible for the maintenance and operation of both parking lots. In one of the two lots, the concessionaire will be permitted to charge a nominal fee, subject to Parks’ approval (currently \$2.00), for secured parking. Proposers should devise and submit security plans for this parking lot. In the other lot, the concessionaire will be required to provide a free parking area for the public. This lot may also be used for overflow parking for golfers, but the concessionaire must set aside an adequate number of free parking spaces for public parking.

The cart barn is currently located adjacent to the northern parking lot. Equipment storage and maintenance facilities are currently located in the South Parking lot and adjacent to the Lake. It is our intention that both

shall be removed and that a new maintenance facility will be constructed elsewhere. Parks will view favorably proposals that included the building and relocation of a new cart barn/maintenance area.

Community Relations

Parks will view favorably proposals that demonstrate an awareness of the role of the golf course as an integral part of Van Cortlandt Park and demonstrate a commitment to cooperate with and support Van Cortlandt Park administrators, park users and the surrounding community.

II. PROJECT COMPONENTS

A. OPERATIONS, MAINTENANCE, AND PROGRAMMING

Operating Schedule

Parks expects the concessionaire to operate the course year-round, weather permitting. The exact hours of operation are subject to Parks' approval.

Greens Fees

The following chart lists the current approved golf rates ["greens fees"] that have been effective at all Parks' golf courses since April 22, 2006.

2006 GOLF RATES

Days	Category	Approved Rate
Monday – Friday	Early Morning (9 Holes)	\$ 16.00
	18 Holes (before 12:00 p.m.)	\$ 31.00
	18 Holes (at or after 12:00 p.m.)	\$ 27.00
	Twilight	\$ 16.00
	Seniors (62 years old and over)	\$ 15.50
	Juniors (16 years old and under)	\$ 7.50*
Saturday & Sunday, Holidays	Early Morning (9 Holes)	\$ 17.00
	18 Holes (before 12:00 p.m.)	\$ 38.00
	18 Holes (at or after 12:00 p.m.)	\$ 38.00
	Twilight	\$ 17.00

*Junior rate is excluded from Parks' \$4.00 surcharge.

Each of the aforementioned rates, excluding the rate for Juniors, incorporates a surcharge of **\$4.00**, which shall be remitted to Parks for each round played. **NOTE: This surcharge per round will be separate from and in addition to the guaranteed fee offer to the City. The concessionaire's reporting of gross receipts must reflect the revenue from total rounds played, including Parks' per round surcharge. However, the calculation of percentage fees payable to the City shall be based on gross revenue exclusive of surcharge payments. In structuring their fee offers, proposers should bear in mind the per round surcharge, including its implications for the reporting of gross receipts.**

The Concessionaire will be permitted to increase the rates annually based on the Consumer Price Index (CPI) for the New York City region; any greater increases are subject to Parks' approval. Parks will notify the concessionaire in writing of the approved annual CPI increase prior to the start of each season.

The concessionaire will be allowed, and even encouraged, to offer seasonal rates, lower rates and/or special programs for senior citizens and youths, although the \$4.00 per round surcharge will apply in all instances (excluding Juniors). All fees must be approved by Parks.

On no more than three (3) weekdays per week, the concessionaire will have the option of charging the "18 Holes (before 12:00 p.m.)" rate to all golfers seeking to reserve starting times between the hours of 8:00 a.m. and 11:00 a.m. The concessionaire will have the option of selecting the specific weekdays on which this restriction shall apply, subject to Parks' approval.

The following chart lists the number of rounds played and the reported gross receipts for the Van Cortlandt golf course since the 1999 season:

<u>Golf Course</u>	<u>1999 Rounds</u>	<u>1999 Gross Receipts</u>
Van Cortlandt	58,453	1,783,251

<u>Golf Course</u>	<u>2000 Rounds</u>	<u>2000 Gross Receipts</u>
Van Cortlandt	52,220	1,813,291

<u>Golf Course</u>	<u>2001 Rounds</u>	<u>2001 Gross Receipts</u>
Van Cortlandt	50,293	1,581,100

<u>Golf Course</u>	<u>2002 Rounds</u>	<u>2002 Gross Receipts</u>
Van Cortlandt	59,849	2,232,297

<u>Golf Course</u>	<u>2003 Rounds</u>	<u>2003 Gross Receipts</u>
Van Cortlandt	50,124	2,134,748

<u>Golf Course</u>	<u>2004 Rounds</u>	<u>2004 Gross Receipts</u>
Van Cortlandt	51,332	2,268,885

<u>Golf Course</u>	<u>2005 Rounds</u>	<u>2005 Gross Receipts</u>
Van Cortlandt	49,061	2,383,570

Other Rates & Fees

The following chart lists the other rates and fees approved by Parks for all golf courses, which became effective April 22, 2006.

OTHER RATES & FEES

Category	Approved Rate
Reservation Fee	\$ 3.00
Golf Cart Rental (daily)	\$ 32.00
Hand/Pull Cart Rental (daily)	\$ 4.75
Locker Rental (seasonal)	\$ 45.00
Secured Parking Fee (where applicable)	\$ 2.00

The Concessionaire will be permitted to increase the rates annually based on the Consumer Price Index (CPI) for the New York City region; any greater increases are subject to Parks' approval. Parks will notify the concessionaire in writing of the approved annual CPI increase prior to the start of each season.

Food Service

There is an existing snack bar/food service facility at the golf course. The snack bar/food service facility is in need of full renovation to upgrade the existing conditions. The facility is adjacent to the Lake and, if expanded, could offer lakeside dining. Parks therefore encourages proposers to take advantage of the inspiring views of the Lake. Parks will view favorably proposals that offer an expansion of the food service facility to provide for enhanced service, increased quality, and improved conditions. A rearrangement of facility space may be necessary for such work to take place. Specifically, Parks will view favorably proposals that offer to construct and operate a full-scale sit-down white-tablecloth restaurant and banquet facility. Please be aware that the building design space should comprise less than 15,000 square feet. Should this limit be exceeded, the concession would have to go through the Uniform Land Use Review Procedures (ULURP) process.

The concessionaire will be expected to operate the snack bar/food facility at a high standard of quality. Proposers should include in their proposals a menu that demonstrates quality, variety, and affordability. A new food service facility at the course will necessitate the installation of kitchen equipment and related renovation work.

Parks will entertain proposals that include the sublicensing of food service operations, which are subject to Parks' approval. Proposers seeking to sublicense the food service operations will be required to report total gross receipts generated from the food service. In the event the proposer's fee offer is made in the form of a guaranteed minimum payment vs. a percentage of gross revenue, total gross receipts from food service must be included in the gross revenue upon which payment to the City is based.

In the event that the proposer proposes a full scale restaurant/banquet facility, the proposer should be aware that such catering facility must be booked for events primarily related to dining. Events for which dining is merely incidental to the primary activities during the event is prohibited. For example, wedding receptions are permitted but a training seminar for business people featuring a light lunch and other food service is prohibited.

Pro Shop

All golf course operations shall include the sale of golf merchandise, supplies, and equipment from a pro shop, the size and location of which are subject to Parks' approval. Proposers should include in their

proposals a pro shop item list, including prices, which are subject to Parks' approval.

Parks will entertain proposals that include the sublicensing of pro shop operations, which are subject to Parks' approval. Proposers seeking to sublicense pro shop operations will be required to report total gross receipts generated from pro shop operations. In the event the proposer's fee offer is made in the form of a guaranteed minimum payment vs. a percentage of gross revenue, total gross receipts from pro shop operations must be included in the gross revenue upon which payment to the City is based. Parks is aware that any rearrangements of floor space may necessitate a relocation of the pro shop within the clubhouse facility.

Tournaments, Outings and League Play

The concessionaire will comply with Parks' policy for tournaments, outings and league play at all Parks' golf courses, which is listed below:

- (1) No golf course may be closed for an entire day for the purposes of holding any tournament, outing, or league play event without the prior written approval of Parks. Any request to close a golf course for an entire day must be submitted at least sixty (60) days in advance of the date of the proposed event.
- (2) No more than 10% of the amount of available starting times in any calendar year may be scheduled for tournaments, outings, or league play events.
- (3) No more than 14% of the amount of available starting times in any given month may be scheduled for tournaments, outing, or league play events.
- (4) Weekends:
 - (a) No more than two (2) hours of starting times per weekend may be used for tournaments, outings, or league play events.
 - (b)
 - (i) All tournaments, outings, or league play events consisting of two (2) hours of starting times may commence only at or after 12:00 noon.
 - (ii) All tournaments, outings, or league play events consisting of less than two (2) hours of starting times may commence only at or after 11:00 A.M.
 - (iii) If more than one tournament, outing, or league play event is scheduled for one weekend day, such events must be separated by an equal amount of starting times for golfers not affiliated with such events.
 - (c) No tournaments, outings, or league play events may be scheduled on the last Sunday of each month.
- (5) Weekdays:
 - (a) No more than three (3) tournaments, outings, or league play events per week may be scheduled before 10:00 A.M. and no more than three (3) tournaments, outings, or league play events per week may be scheduled at or after 10:00 A.M.
 - (b) All tournament, outing, or league play event starting times must be separated by an equal amount of starting times for golfers not affiliated with such events.
 - (c) If more than one tournament, outing, or league play event is scheduled for one weekday, such events must be separated by an equal amount of starting times for golfers not affiliated with such events.
- (6) In the event that a tournament, outing, or league play event is postponed, it may not be rescheduled within thirty days of the original date.

The guidelines above reflect Parks' current policy regarding tournaments, outings and league play. However, Parks reserves the right to modify these guidelines at any time. As part of this solicitation, Parks will entertain suggestions or proposals to modify the current policy to ensure greater availability for the public to play at the golf courses. Although proposers may outline these suggestions in their proposals, Parks expects them to base their assumptions for their income and expense projections on Parks' current policy for tournaments, outings, and league play. Parks will request an annual list of all tournament outings to ensure these guidelines are being adhered to.

Reservations

Several years ago, a new, citywide, state-of-the-art, online computer reservation system was installed at the City's golf courses. Customers now access the system through the Internet in addition to the pre-existing call-in system. The concessionaire will be expected to continue the use of this call-in and online reservation system. Moreover, if the City develops any further changes to the current centralized golf reservation system for New York City golf courses, the concessionaire will be required to connect to and use such system at its own cost and expense. Please note that a new operator would need to utilize the existing Parks reservations system at its own cost and expense.

Customer Service

Parks expects the concessionaire to create and maintain a high-quality golfing experience for the public. Parks encourages proposers to implement customer service mechanisms that will enhance and maintain the satisfaction of patrons, including, but not limited to, ideas to promote faster speeds of play. These mechanisms should be outlined in each proposal.

Community Programming

Parks encourages proposers to incorporate a community programming component into their proposal, such as youth outreach programs, discounted/free concession services, special programs/accommodations for senior citizens and persons with disabilities, and golf scholarships for youth in need.

Parks expects the concessionaire to develop and promote a Junior Golf Program for high school and college students. Parks encourages the concessionaire to cooperate with local school golf coaches and athletic directors to establish a schedule to accommodate school athletic programs.

The concessionaire is expected to provide free on-course access for Parks-sponsored youth instruction and development programs. Time shall be provided at no cost for up to six foursomes twice a week between the hours of 1- 3:30 PM during the months of July and August. Time shall also be provided at no cost for up to twelve foursomes once a month between the hours of 6 – 8 PM during the months of July and August. The Concessionaire is also expected to provide the course at no cost for one weekday during July or August for a junior tournament.

Parks, acting on behalf of the City of New York, reserves the right to host a number of events at the Van Cortlandt golf course each year, including benefits and other non-profit or public events. The scheduling of these events shall be mutually agreed upon by both parties. The dates of such events shall be reserved in writing more than one month in advance.

Community Relations

Parks will view favorably proposals that demonstrate an awareness of the role of the golf course as an integral part of the surrounding community. Parks will view favorably proposals that show a commitment to cooperate with and support park administrators, park users and the surrounding community.

Parks will also encourage the concessionaire to establish and maintain a good relationship/dialogue with the residents surrounding the golf course to ensure consideration of their concerns in respect to golf course operation and maintenance. Integral to this relationship with the neighboring community will be the

concessionaire's responsibilities to thoroughly maintain the perimeter of each course, including the timely removal of all litter and debris, tree pruning, and sidewalk and fence maintenance and repair.

Parks will view favorably proposals that demonstrate how the concessionaire will work with Parks staff to address maintenance issues, and work with area residents to address concerns, including the issue of errant golf balls. The concessionaire should also employ preventative maintenance techniques to discourage errant golf balls outside of the golf course property, such as redirecting tees as needed, providing additional plantings, and installing netting. These techniques should be outlined in each proposal.

Parks encourages the concessionaire to reach out to the community regarding employment opportunities.

Equipment

The concessionaire will be required to provide and maintain all equipment necessary for the successful operation of the concession. All capital improvements, fixed equipment and equipment applied towards the concessionaire's capital investment become the property of Parks upon installation, at Parks' option. The concessionaire will also be required to supply all additional non-fixed equipment and materials, including but not limited to personal kitchen equipment, tables and chairs, and office furniture. Proposers should differentiate between fixed equipment and personal expendable items in their proposals. Personal equipment not applied toward the required capital expenditure will remain the property of the concessionaire.

Among the non-fixed equipment that the successful proposer is required to supply is a fleet of brand-new golf carts. Upon commencing the operation of this concession, the concessionaire will be required to provide and maintain a sufficient number of new golf carts for the successful operation of the golf course.

Course Maintenance

Year-round, the concessionaire will be responsible for all pruning, landscaping, maintenance, and all general grounds maintenance of the site. Given the heavy usage that the City's golf courses receive, proposers should describe the measures they intend to take to ensure the durability of the course throughout the license term. The concessionaire will be expected to provide adequate numbers of annual and seasonal staff in order to maintain the course in excellent condition. Therefore, proposers should include in their proposals detailed plans for course maintenance, staffing, anticipated turf care programs such as aerification, fertilization, fungicide, seeding, sodding, etc., as well as year-round course maintenance schedules. The concessionaire should use as guidelines the standards set by the United States Golf Association (USGA) for turf management and golf course maintenance.

The concessionaire is expected to, at its sole cost and expense, maintain and operate the entire concession in good and safe condition and in accordance with industry standards. This includes the maintenance and repair of the entire course, all interior and exterior structures, building systems, utility systems and connections, sewer systems and connections, equipment, fencing, lighting, sidewalks, vaults, gutters, curbs, and fixtures. To ensure Parks' satisfaction with said compliance, the concessionaire will be required to provide Parks with full and free access to the licensed premises.

The concessionaire is expected to, at its sole cost and expense, operate and maintain the recently installed irrigation system in good and working order. This shall include the repair and replacement of all equipment and material as needed, including the booster pump system, lake lift pump system, electrical system, weather station, radio system, computer system, control, decoder and/or satellite system, irrigation heads and lines, pump house structure and all other associated equipment and material in accordance with operation and maintenance manuals. Each fall, the concessionaire will be required to winterize the entire system and each spring, the concessionaire will be required to start up, pressurize and fill the system. The concessionaire shall repair any leaks, replace any damaged or missing irrigation heads, and maintain all equipment and pump houses in a clean and orderly manner. In addition, the concessionaire shall maintain the grounds,

irrigation ponds, pond liners and overflow structures, keeping them free from algae, debris and trash, and make repairs as needed. The concessionaire shall, at its sole cost and expense, retain services of qualified technicians and/or service firms to fully comply with all provisions of the irrigation system's operation and maintenance manual, as issued by Flowtronex PSI Pumping Systems. [*Copies of the Flowtronex Operations and Maintenance Manual for the irrigation system may be obtained by contacting Parks' Blueprint/Document Services Center (see p. 14? for contact information).*]

The concessionaire will also be responsible, at its sole cost and expense, for clean-up and removal of all waste, garbage, refuse, rubbish and litter from the licensed premises and the area within fifty (50) feet of the licensed premises. The concessionaire must provide adequate waste and recycling receptacles, approved by Parks, and have these receptacles emptied on a daily basis and 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 lots clean, neat, and free of litter and debris. The concessionaire must keep all signs and structures in good condition and free of graffiti.

The concessionaire will be responsible for, at its sole cost and expense, thoroughly maintaining the perimeter of the course, including providing for the timely removal of all litter and debris, tree pruning, and sidewalk maintenance and repair. The concessionaire will also be responsible for the removal, repair or replacement of worn fencing where necessary. The concessionaire will be responsible for snow removal as well. This responsibility includes, but is not limited to the parking lots and the roadways leading into and out of the parking lots.

All maintenance responsibilities include perimeter and sidewalk areas. Therefore, proposers should include in their proposals detailed plans for perimeter and sidewalk maintenance.

Horticultural Improvements and Tree Maintenance

Parks seeks proposals that aim to improve the horticultural amenities at the golf course. The concessionaire will be expected to establish planting areas for flowers, flowering shrubs, and flowering trees at strategic locations throughout the golf course, such as the entrance to the course, around the clubhouse, along the course perimeter and at the tee boxes where necessary. Proposers should submit detailed plans for horticultural improvements, including proposed locations and designs, as well as the types and approximate quantities of flowers, flowering shrubs, and flowering trees proposed for each planting area, subject to Parks' approval.

Trees may not be cut down or removed from the licensed premises without prior written approval from Parks. Care should be taken during construction activity to protect all existing trees on site. Contractors will be required to provide tree protection around all trees in construction zones. Special care should be taken to protect roots within drip line of trees when developing staging and utility plans.

The concessionaire will be required to adhere to all rules and regulations established by the United States Department of Agriculture, the New York State Department of Agriculture & Markets, and Parks concerning infestation control and treatment and general tree trimming and removal practices. Restrictions may apply for trees planted in areas that may be identified as quarantine zones because of the Asian Long Horned Beetle (*Anoplophora glabripennis*), an invasive beetle known to attack maple, horse chestnut, elm, willow, birch, poplar, and ash trees.

Public Safety

The concessionaire will be expected, throughout each operational year, to take all measures necessary to provide a safe environment for the public at each golf course, including but not limited to the following:

- Installing snow fencing around any water bodies on the licensed premises by the beginning of each winter and removing all snow fencing at the end of each winter
- Providing sufficient numbers of rescue ladders within appropriate proximity of any water bodies on the licensed premises
- Installing signage as necessary for warning about ice conditions and prohibition of swimming at water bodies.

Proposers should outline in their proposals techniques to address public safety concerns at the golf course, such as daily inspections of the aforementioned equipment and perimeter fencing, etc.

Inspections

Inspectors from Parks will visit the golf courses unannounced to inspect operations and ensure proper maintenance of the site. Based on their inspections, Parks may issue directives regarding deficiencies the concessionaire will be obligated to rectify in a timely fashion. Violations of the terms of the license agreements may also result in the assessment of fines which, if not paid promptly, may be deducted from the concessionaire's security deposit.

Drought Issues

Subsequent to the installation of new irrigation systems at the golf courses, there is now a replenishing pond at the course. The Concessionaire is to primarily draw water from the replenishing pond to irrigate the course and may only draw from City water as a last resort. During drought restrictions imposed by the City, the concessionaire will be allowed to water the courses using the replenishing pond water systems. However, the concessionaire will be required to adhere to all Department of Environmental Protection (DEP) directives and restrictions.

B. CAPITAL IMPROVEMENTS & INVESTMENTS

All capital work shall be completed in such a manner so as to create a minimum amount of interference with golf course availability to the public. Parks will entertain proposals that schedule the capital work in phases so as to ensure year-round access to the golf course (e.g. creating a temporary green while performing renovations to an existing green.) However, Parks favors that the majority of improvements occur in the early stages of the license term.

Parks anticipates a substantial investment from the concessionaire. All costs associated with the renovation and operation of the facility will be paid for by the concessionaire. Parks makes no guarantee that any of the existing utilities are adequate for the intended use of the facility. Parks is seeking proposals that will improve the quality and interest of the golf course in keeping with the historic Tom Bendelow designed golf course, the nation's first 18-hole municipal golf course. Parks also anticipates that substantial improvements will be needed for the landmark clubhouse building. Parks will view favorably proposals that include expanding the food service capability of the facility to include fine dining and banquet capabilities. Parks is seeking designs that are sensitive to the historic details and offer the best use of the existing space. Parks expects a high quality restoration of the clubhouse and renovation to increase accessibility throughout the facility. Improvements to the golf course should be made to increase interest in the course and raise the quality and caliber of the golfing experience. Parks expects that the capital investment for this concession will include, but not be limited to, the following:

1. Course Improvements

Parks is seeking proposals that will enhance the character of the course. In keeping with the basic characteristics of the course, rough areas should be planted with tall native grasses, sand bunkers should be more sculpted and the contours of the trees, greens, fairways and roughs may be adjusted to add more variety to play. *(Proposers should include detailed hole-by-hole course improvement plans in their proposal submissions.)*

- Improve the amenity stations at each hole
- Laser level tees and greens
- Extend and widen cart paths as needed.
- Provide curbing around tees and greens
- Extend irrigation as needed to eliminate gaps in the coverage and to reach rough areas.
- Improve drainage as needed
- Improve sand bunkers by improving drainage and edging.
- Prune trees around tees and greens as needed to improve turf quality
- Remove invasive plants and vines, clear out debris and remove dead trees from the perimeter and rough areas
- Provide new plants and trees throughout the course that are indigenous of the region
- Expand existing tee boxes and provide new forward tee boxes as needed to improve play
- Remove, repair or replace worn fencing where necessary

2. Golf Course Accessory Buildings

- Provide a snack and beverage station / stand at the halfway point (between the 9th and 10th holes) of the course.
- As an alternative to the stand, Parks will view favorably proposals that include a more substantial snack bar with a comfort station that includes ADA accessible restrooms.
- Parks will view favorably proposals that include the building and relocation of a new cart barn/maintenance area. Proposers should identify the potential new location of the cart barn in their proposals. The cart barn is currently located adjacent to the clubhouse.

3. Clubhouse Improvements

Parks is seeking a full restoration of the historic clubhouse. The building is a designated New York City Landmark and any renovations are subject to review and approval by the City's Landmark Preservation Commission.

- Repair or replace wood shingle siding as needed
- Repair or replace in kind roof as needed
- Replace windows with historically appropriate windows as needed
- Repaint, strip and repair all wood door and window trims to historically accurate specifications
- Replace in kind exterior doors as needed
- Upgrade mechanical systems, plumbing, gas and electric service as needed. New equipment should meet high energy standards and be consistent with green building design practice.
- Replace exterior roll down gates and window guards with Parks' approved design
- Engineer solutions to reduce flooding in the basement
- Repaint interior
- Restore stairs

- Provide accessibility to meet or exceed American's with Disabilities Act (ADA) standards and specifications for the first floor, including restrooms and front entry.
- Increase access and view of lakefront from the dining area(s)
- Provide a full historic restoration of the locker rooms, which are located on the second floor. The restoration should include the skylights, flooring, framing, lockers and paneling. The restoration shall also ensure full accessibility in compliance with ADA guidelines and standards.
- Renovate both the Men's and Women's restrooms to provide full accessibility in compliance with ADA guidelines and standards

Additional Capital Improvements to Provide a Full Service Restaurant and Banquet Facility

In addition to the capital improvements listed earlier, Parks will also consider proposals that include an expansion of the food service capabilities of the facility. Any proposed extension beyond the existing footprint is subject to the approval of Parks, Landmarks, the City Art Commission, DEC, DEP, the Department of Buildings and all other agencies having jurisdiction. Please be aware that the building design space should comprise less than 15,000 square feet. Should this limit be exceeded, the concession would have to go through the Uniform Land Use Review Procedures (ULURP) process.

4. Parking Lots Improvement / Building Perimeter

- Relocate the cart storage and prep areas
- Improve access to the lakefront
- Provide new landscaping around the parking lot, building and at the entryway. All plantings should be of native species.
- Provide ADA accessible pathway to building entry
- Provide designated handicapped parking spaces to ADA guidelines
- Provide new exterior lighting
- Repair or replace paving
- Repair or replace lakeside decking
- Re-stripe parking lot

The successful proposer will be required to make all necessary repairs at his or her sole cost and expense. The concessionaire will be 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. The concessionaire will also be required to provide a construction security deposit, in an amount and format approved by Parks, to ensure that all renovation work is completed. This security deposit, preferably in the form of a letter of credit, must be in place before any renovation work commences.

Parks makes no representations regarding the adequacy of site utilities currently in place at the site. The concessionaire will be required to connect to and/or upgrade any existing utility service or create a new utility system, and obtain the appropriate permits and approvals. The concessionaire will be required to pay 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.

Please note that Parks will weigh capital investment and design in its evaluation process (For more information, please see the Proposal Content Guidelines). Therefore, please describe all intended capital work and provide cost estimates for this capital work in your proposal submission. In addition, please include a detailed capital/design timetable which clearly outlines proposed improvements and the anticipated commencement and completion dates for these improvements (i.e., the expected duration of each improvement).

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. All capital improvements and fixed 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 concession. **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. 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.

Note: *All necessary permits and approvals for capital work and design must be obtained from the Department of Buildings. Additionally, all designs and works to be performed on the structure shall be prepared by licensed architects or engineers and will require prior approval from Parks & Recreation, the New York City Art Commission, the New York City Department of Buildings and any other agencies having jurisdiction. The concessionaire will be required to provide Parks with all plans and specifications upon completion of the construction documents. The plans should be in ink on Mylar paper.*

The concessionaire shall comply with all New York City, State 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.

Proposers are encouraged to research the historical layout of the golf course and the architectural history of the clubhouse before preparing their proposals. Historical maps and records as well as plans of the most recent irrigation project 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.

C. 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% 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.

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.

D. REQUIREMENTS DURING THE TERM OF LICENSE

1. The concessionaire will be required to obtain any and all necessary approvals, permits, and licenses for the construction and lawful operation of this concession.
2. The concessionaire will be required to operate and maintain the facility as a concession for the use and enjoyment of the general public. Hours and days of operation must be approved in advance by Parks.
3. The concessionaire will be required to submit a security deposit of *at least* 25% of the highest year's guaranteed minimum license fee, which will be required for the duration of the term. This security deposit, which may be in the form of a letter of credit or other format approved by Parks, will be due upon signing.
4. The concessionaire will be required to provide a construction security deposit, in an amount and format approved by Parks, to ensure that all renovation work is completed. This security deposit, preferably in the form of a letter of credit, must be in place before any construction or renovation work commences.
5. The concessionaire will be required to carry **Commercial General Liability insurance in the amount of \$5,000,000, Personal Injury Liability insurance in the amount of \$1,000,000, Property Damage insurance in the amount of \$1,000,000, 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.
6. The concessionaire will be required 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.
7. The concessionaire will be required to pay 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 required to remove any unsuitable existing materials as required. Parks makes no representations that there are adequate utilities currently in place at the site.
8. 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. All fees, prices and any subsequent increases must be approved in advance by Parks.

9. All fees, prices, and any subsequent increases must be approved in advance by Parks. Hours and days of operation must also be approved in advance by Parks.
10. The concessionaire is expected to provide free on-course access for Parks-sponsored youth instruction and development programs. Time provided shall be for up to six foursomes twice a week between the hours of 1 - 3:30 PM during the months of July and August. Time shall also be provided for up to twelve foursomes once a month between the hours of 6 – 8 PM during the months of July and August. Concessionaire is expected to also provide the course for one weekday during July or August for a junior tournament.
11. The concessionaire will be required to remove all rubbish generated by this concession from the licensed premises and surrounding areas affected by the facility's operation. The concessionaire will be required to clean the licensed premises and the area within fifty (50) feet of the licensed premises. The concessionaire will be required to provide garbage cans that are approved by Parks and have these cans emptied on a daily basis and insure that all garbage is removed by a private carter. The concessionaire will be required to comply with all City, State, and Federal regulations regarding recycling.
12. The concessionaire will be responsible for maintaining and cleaning public restrooms at the site on a schedule approved by Parks.
13. The concessionaire will be responsible for regular pest control inspections and extermination.
14. The concessionaire will be required to keep all signs and structures in good condition and free of graffiti.
15. The concessionaire will be prohibited from cutting down or removing any trees on the permitted premises without prior written approval from Parks. Any attachments to the trees, such as lights, will not be permitted.
16. The concessionaire will be prohibited from placing advertisements on the exterior of their concession area, or on the building. Advertising of product brands is prohibited without Parks' prior approval. **Any and all signage is subject to Parks' approval.**
17. The concessionaire will be required to make all necessary repairs during the terms of the license.
18. The concessionaire will be required to maintain total security within the licensed premises and to cooperate with Parks to ensure security of the surrounding parkland. The concessionaire will be required to secure the premises and any other equipment every evening.
19. The concessionaire will be required to cooperate with Parks during special events and other unanticipated eventualities.
20. The selling and/or advertisement of cigarettes, cigars, or any other tobacco products is strictly prohibited. The concessionaire will be required to adhere to and enforce this policy.
21. Smoking in any building is strictly prohibited. The concessionaire will be required to adhere to and enforce this policy.
22. The use of polystyrene packaging or food containers will be prohibited in the operation of the concession.
23. The concessionaire will be required to 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 are required to submit the Engineer or Architect's qualifications to Parks for approval.

24. The concessionaire will be required to 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.
25. The 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.
26. The concessionaire will be required to comply with all terms of the license agreement. 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.
27. 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.
28. The concessionaire will be required to comply with all City, State and Federal laws relating to access for persons with disabilities. The concessionaire shall comply with all New York City, State 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.

III. 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 Content Guidelines” section.

The proposal should be typed on both sides of 8 ½" X 11" paper. Pages should be paginated. The City of New York requests that all proposals be submitted on paper with no less than 30% post-consumer material content, i.e., the minimum recovered fiber content level for reprographic papers recommended by the United States Environmental Protection Agency (for any changes to that standard please consult:

<http://www.epa.gov/cpg/products/printing.htm>). The proposer should state whether its response is printed on recycled paper containing the minimum percentage of recovered fiber content as requested by the City in these instructions. Failure to comply with any of the instructions set forth in this paragraph will not be considered non-responsive.

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. The proposal will be evaluated on the basis of its content, not length.

Please submit four (4) copies of your proposal (including four copies of all required attachments).

The following information should be printed on the outside of the envelope:

- Your name and address
- Solicitation # X92-2-GC
- Due date: **Wednesday, November 15, 2006 at 3:00 PM**

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 \$50,000.00** with the proposal (payable to NYC Parks & Recreation). Personal or business checks will not be accepted. In the event of the failure of a successful proposer to execute a concession agreement in accordance with the terms of its proposal, the deposit shall be retained by the City unless the proposal has been permitted to be withdrawn. Proposal deposits will be returned to unsuccessful proposers after the concession agreement 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-Central Park, 830 Fifth Avenue, Room 407, New York, New York 10021.

4. All proposals must be received **by Wednesday, November 15, 2006 at 3:00 PM**. No proposals will be considered after that time. Hand delivery to Room 407 before the deadline is recommended to ensure consideration of your proposals. **Proposals received after the time and date listed above will be considered late, will be returned to the proposer unopened and will not be considered for award.**

C. Proposal Content Guidelines

Each proposal is expected to include the following:

1. 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.
- A separate fee offer for the restaurant/banquet facility is required should proposers choose the option to construct and operate the restaurant/banquet facility.

2. Operating Experience

- Proposers should submit 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.
- Proposers should attach a list of at least three (3) recent relevant references, with whom the proposer has previously worked and/or who can describe such matters as the proposer's financial, operational and construction capability. Including the name of the reference entity, a description of the nature of the listed reference's experience with the proposer and the name, title, address, and telephone number of a contact person at the reference entity.

3. Proposed Capital Investment and Design

- 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. Proposers should detail all aspects of capital work (including hole-by-hole course improvement plans, clubhouse renovations, and parking lot improvements), cost estimate/construction budgets, and anticipated capital schedules/timetables.
- Proposers should submit designs showing the proposed layout and appearance of the renovated facilities on the golf course and clubhouse. In addition, proposers should submit designs of the exterior and interior of the building (if applicable), including dimensions, renderings of landscaping, and any other relevant items. All final designs of the successful proposer must be approved by Parks and other pertinent agencies before construction can commence.

2. Planned Operations

- Proposers should submit a detailed operational plan for the entire facility, including but not limited to hours of operation; prices and fees differing from or in addition to Parks-approved rates; lessons and related programs; operating plan for food service with appropriate menu and price list; operating plan for a pro shop with appropriate item and price list; proposed modifications to tournament/outing/league play policy (if applicable); maintenance and operational plan for parking lots, including proposed security plan, fee for parking, and plan for overflow parking; plans for online and telephone reservation systems; proposed solutions to errant golf ball issues; planned efforts to speed up pace of play; and proposed public safety techniques. All operational plans, delivery schedules, rubbish removal schedules, cleaning schedules, prices, menu items, and hours of operation are subject to Parks' approval.
- 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.
- Parks 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 would like proposers to explain how they would improve the quality of services offered if the above mechanisms indicate a need to do so.

3. Financial Capability

- 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.
- Proposers should include a financial statement or statements prepared in accordance with standard accounting procedures.
- Proposals should include completed original copies of two (2) VENDEX questionnaires (Vendor and Principal Questionnaires), which can be obtained through the Revenue Division or at www.nyc.gov/vendex.

IV. 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.

A. 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 (if applicable)
- Financial capability

B. EVALUATION PROCEDURES

Parks 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's acceptance of a proposal does not imply that every element of that proposal has been accepted.

Parks 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 will visit facilities operated by proposers.

V. OTHER GENERAL RFP REQUIREMENTS AND CONDITIONS

Park 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 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. 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.

Parks 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.

Parks 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 Parks will be the only authorized method for communicating clarifying 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) 669-3500.

Adrian Benepe,
Commissioner