



**City of New York  
Parks & Recreation**

The Arsenal  
Central Park  
New York, NY 10021

**SOLICITATION# Q99/X237-SP 1/04**

**REQUEST FOR PROPOSALS-SP 1/04**

**FOR THE OPERATION OF A SERIES OF CARNIVALS AT THE PARKING LOTS  
AT SHEA STADIUM, QUEENS  
AND  
YANKEE STADIUM, BRONX**

**ISSUE DATE**

**February 3, 2004**

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

**Mayor of the City of New York  
Commissioner of Parks & Recreation  
Assistant Commissioner for Revenue**

## **REQUEST FOR PROPOSALS**

### **FOR THE OPERATION OF A SERIES OF CARNIVALS AT THE PARKING LOTS IN SHEA AND YANKEE STADIUM.**

City of New York Parks & Recreation requests proposals for the operation of a series of carnivals at the Shea Stadium parking lot (Parking Lot C) in Flushing Meadows Corona Park, Queens *and* the Yankee Stadium parking lot (Parking Lot #1) at Jerome Avenue and 161<sup>st</sup> Street, Bronx, during the 2004 and 2005 baseball seasons (and the 2006 baseball season if the City exercises the option year, as explained below). Parks is seeking a proposer with a solid background in the carnival industry to operate this concession for a two (2) year term, with one (1) additional year at the City's option.

### **LICENSE TERM OF THE CONCESSION**

A two (2) year term, with one (1) additional year at the City's option, is being offered. No longer term will be considered.

### **PROJECT MANAGER**

The Parks & Recreation Project Manager for this concession is Jeffrey Shatz. Please call him at (212)360-1397 if you have any questions regarding this Request for Proposals (RFP) or this project, or fax your questions to him at (212)360-3428, or e-mail him at [jeffrey.shatz@parks.nyc.gov](mailto:jeffrey.shatz@parks.nyc.gov). If you have a hearing impairment, please call (800)281-5722 and leave a message on the Telecommunications Device for the Deaf (TDD).

### **REQUEST FOR PROPOSALS TIMETABLE**

The following schedule has been established for this RFP. This schedule is subject to change as circumstances warrant.

**RFP Release Date:** February 3, 2004

**Proposer Meeting & Site Tour:** Tuesday, February 24, 2004 at 10:00am @ Shea Stadium  
“ “ “ at 12:30pm @ Yankee Stadium

*The meeting at Shea Stadium will take place in Parking lot C at Shea Stadium, in Flushing Meadows Corona Park. The meeting at Yankee Stadium will take place in front of Parking Lot #1 at the Stadium.*

**Proposals Due:** Tuesday, March 9, 2004 @ 3pm



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 due date and special arrangements will be made for you.

## **PROJECT BACKGROUND**

City of New York Parks & Recreation requests proposals for the operation of a series of carnivals at the Shea Stadium parking lot (Parking lot C) in Flushing Meadows Corona Park, Queens *and* the Yankee Stadium parking lot located (Parking Lot #1) at Jerome Avenue and 161st Street, Bronx, during the 2004 and 2005 baseball seasons (and the 2006 baseball season if the City exercises the option year). The exact locations of these carnivals are subject to Parks' approval. The concessionaire will be permitted to hold a maximum of two ten (10) day events at each of the above sites during the 2004 and 2005 baseball seasons, and the 2006 baseball season if the City exercises the option year. The exact dates of these events must be approved by NYC Parks, and are contingent upon the respective schedules of the New York Mets and the New York Yankees. Therefore, dates will not be available until the National League and the American League release their *official* baseball schedules, just prior to the commencement of each baseball season. All available dates will fall between April and October of each year of operation. No carnival may be in operation while a baseball game is taking place. Further, carnival dates will not be approved if NYC Parks believes that the carnival will impact on any baseball games played at the stadium. No carnivals may operate at Shea Stadium during the United States Open Tennis Tournament, which is held during the week before Labor Day and the week after Labor Day. No carnivals may interfere with commuter parking at the parking lots. After each carnival, all equipment must be promptly removed from the event site so that the lot is completely available for baseball parking, and the site must be restored to a condition as good or better than its condition prior to the event.

NYC Parks seeks a concessionaire who will operate a series of carnivals that includes a minimum of eight (8) spectacular rides. All operations must meet New York City, New York State, and federal health and safety codes. **No rides may be powered by animals.** The concessionaire will be permitted to operate, maintain, and manage carnival booths for the sale of tickets, food, beverages, refreshments, programs, and other related merchandise. At no time will Parks permit games of chance during these carnivals. All programmed uses of the carnival must be consistent with Parks' mission to promote appropriate recreational activities on parkland. All prices and fees will be subject to Parks' approval.

Unless otherwise amended by Parks, the approved hours of operation for these carnivals will be:

### **Shea Stadium**

Monday through Thursday: 5:00 PM to 12:00 midnight

Friday and Saturday: 1:00 PM to 12:00 midnight

Sunday: 1:00 PM to 11:00 PM

### **Yankee Stadium**

Monday through Thursday: 5:00 PM to 10:30pm

Friday and Saturday: 1:00 PM to 10:30pm

Sunday: 1:00 PM to 10:30 pm

Proposers may offer varying start times for Parks' review and approval. However, the closing times may not be extended, in accordance with the recommendations of the New York Police Department (NYPD).

## **LICENSE TERM**

The term for this concession will be two (2) years, with one (1) additional year at the City's option. Specifically, the concessionaire will be permitted to hold a series of carnivals during the 2004 and 2005 baseball seasons, and the 2006 season should the City exercise the option year. 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.

**Please note that the operation of this concession will be subject to the terms of the lease agreement between NYC Parks and the New York Mets, as well as the lease agreement between NYC Parks and the New York Yankees, respectively. In addition, the operation of this concession will be subject to the terms of the license agreement between NYC Parks and Central Parking Systems of New York, the parking lot operator for each of the available sites. (This condition will also apply to any future operator of these parking lots).**

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

1. The successful proposer will be responsible for obtaining any and all necessary approvals, permits and licenses for the installation and lawful operation of this concession. Before commencing operations, the concessionaire must obtain a temporary or permanent certificate of occupancy, and all necessary permits and approvals including but not limited to those issued by the Department of Consumer Affairs.
2. In the event that the New York Mets or the New York Yankees play a game during a previously scheduled carnival period, the carnival operator will not be permitted to operate. If NYC Parks enters into a contract for a special event *inside* the Stadium during a previously scheduled carnival period, the carnival operator will not be permitted to operate.
3. All equipment must be completely removed from the carnival site after each event; no equipment may be left on the carnival site after the event has closed. With Parks' express written approval, the concessionaire may enter the carnival site no earlier than 48 hours prior to the opening of each event. Following the event, the concessionaire must vacate and restore the event site within 36 hours of the close of the carnival. These deadlines are subject to change depending upon the respective baseball schedules.
4. The concessionaire must make himself or herself available 24 hours per day via pager or cell phone from the time that set-up of a carnival event begins through the time of takedown and removal of his equipment. At the end of each allotted take-down period, the concessionaire must accompany authorized representatives of Parks and conduct an inspection of the permitted premises to determine whether all equipment has been removed, the site has been restored to a condition as good or better than its condition prior to the event, and all other conditions of the permit have been fulfilled.
5. Subject to Parks' approval, the concessionaire may provide parking for carnival patrons in an area

designated by Parks. However, the concessionaire will not be permitted to charge a fee for parking. Parks makes no representation that there will be adequate parking available at the site. At the concessionaire's sole cost and expense, the parking site should have a minimum of 6 uniformed parking attendants to provide parking for cars. Parking attendants must comply with all directives of City officials including Park Enforcement Patrol officers.

6. Whenever the concession is operating, the concessionaire must maintain and keep the entire area within 50 feet of the concession clean and free of litter, rubbish, and debris. The concessionaire must provide garbage cans and waste receptacles approved by Parks at and adjacent to the event site. All waste must be collected, bagged, and removed daily by a private carting company at the concessionaire's sole cost and expense. The concessionaire must comply with all City, state, and federal regulations regarding recycling.
7. The concessionaire must supply all equipment necessary for the operation of this concession. All fixed equipment becomes the property of Parks upon installation, at Parks' option. Should Parks choose not to exercise this option, it will be the responsibility of the concessionaire to remove fixed equipment and return the licensed premises to Parks in a condition as good as or better than that at the commencement of the license term.
8. The concessionaire will be required to carry at least five million dollars (\$5,000,000.00) in general/personal liability and food product liability insurance coverage, with NYC, NYC Parks & Recreation, the New York Mets, the New York Yankees, and Central Parking Systems (or the name of any future parking lot operator) all named as Additional Insured.
9. The concessionaire will be responsible for any and all utility costs connected with the operation of this concession. This includes but is not limited to providing for all lighting, electrical, and water connections at the event site. Parks & Recreation makes no representations that there are adequate utilities currently in place at the site. The concessionaire may not tap into Parks' electricity, but must provide generators necessary for its needs. The concessionaire must provide whatever is necessary under City, state, and federal regulations for the lawful operation of such generators.
10. The concessionaire will be responsible for maintaining total security within the facility and the immediate surrounding area. The concessionaire must provide security for the carnival equipment on a 24-hour basis. For each carnival, the concessionaire will be required to supply a minimum number of security personnel, to be specified by Parks. The concessionaire's security personnel may not carry firearms without the express prior written consent of NYC Parks.
11. The concessionaire must at all times maintain a clear access path for emergency vehicles.
12. The concessionaire should provide an adequate number of portable toilets and separate hand washing facilities to service the carnival patrons. These toilets must be clean and their storage tanks must be emptied before the start of each day while the carnival is operating, or more frequently if required by Parks.
13. The concessionaire must arrange wiring so that the site is free of trip hazards at all times.

14. The concessionaire may post signs to direct carnival patrons to the carnival site and facilities within the carnival site. Parks must approve the design and content of these signs.
15. A security deposit of at least 25% of the highest year's guaranteed minimum license fee will be held for the duration of the license term. The security deposit will be due upon signing.
16. The concessionaire will be required to submit statements of gross receipts in a format approved by NYC Parks within thirty days of the close of each event.
17. All prices are subject to Parks' prior approval. Before the start of each operating season, the concessionaire will be required to submit a complete list of proposed prices for approval.
18. The selling and/or advertisement of cigarettes, cigars, or any other tobacco products are strictly prohibited. It is the concessionaire's responsibility to adhere to and enforce this policy.
19. The sale, distribution, and consumption of alcoholic beverages, including beer, are prohibited at the carnival site. The concessionaire will be required to post signs to inform patrons of this policy.
20. The concessionaire must comply with all City, state and federal laws and regulations relating to access for persons with disabilities.
21. All advertising at carnival sites is subject to Parks' approval.
22. The concessionaire must comply fully with all directives of City personnel.
23. Concessionaires must comply with all terms of their license agreements. Inspectors from Parks will visit the concession site unannounced to inspect the operation and determine whether or not you are complying with the terms of your license. If inspectors find violations, you may be fined for each violation. If you do not pay such fines, they will be deducted from the security deposit held by Parks.
24. Proposers should be aware that the City is developing "marketing partnership" agreements identifying specific brands as the "designated" products of the City of New York. As this occurs, the concessionaire will be required to sell the specific products so identified if the concessionaire sells goods in that product category. If directed by the City, the concessionaire will be required to purchase the products from designated distributors, provided the said distributors provide the products at a competitive price. The concessionaire, working with the City's marketing representative, may be required to give the City's marketing representative priority in the placement and scheduling of advertising. Marketing partners will be required to pay the market rate for any such advertising.

## **The RFP Process/ Proposal Procedure**

### **Proposal Submission Instructions**

All proposals **must** meet the requirements listed below in the Proposal Submission Requirements section, and should comply with all the items listed below in the Proposal Submission Guidelines section. All proposal submission material becomes the property of Parks. Proposals should be printed or typed on 8 1/2 x 11" paper. 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 Q99/X237-SP 1/04**
- Carnivals at Shea Stadium and Yankee Stadium**
- Due Tuesday, March 9, 2004 @ 3pm**

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 1/2 x 11" sectionals or reductions to 8 1/2 x 11". No telegraphic or facsimile proposals will be accepted.

Please contact the project manager to obtain the necessary business questionnaires (listed below in the "Proposals Guidelines" section, and submit four (4) completed copies of each of these questionnaires as part of your proposal submission.

### **Proposal Submission Requirements**

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

1. All proposals must include a fee offer for each year of operation.
2. The proposer must submit his or her proposal in a sealed envelope to the Assistant Commissioner for Revenue, NYC Parks & Recreation, The Arsenal, Room 407, Central Park, New York, New York 10021, **no later than Tuesday, March 9, 2004 @ 3pm. No proposals will be accepted after that time.** Proposals received after the submission deadline above will be returned and will not be considered for award. In order to ensure that your submission is considered, Parks recommends that proposals be hand-delivered to the Arsenal, Room 407 at least one or two days before the submission deadline.
3. All proposers are required to submit \$10,000 in the form of a certified check, bank check, cashier's check, or money order with the proposal (payable to City of New York Parks & Recreation). The proposal deposit will be retained as liquidated damages in the event that this proposer fails to enter into an agreement with Parks & Recreation. All other checks will be returned.

### **Proposal Submission Guidelines**

1. The fee offer should state the highest sum each proposer is prepared to pay as a license fee, expressed as a guaranteed minimum annual fee versus a percentage (%) of gross receipts. The City strongly urges that there be an escalation of at least five percent (5%) in the guaranteed minimum fee from each year to the next during the license term.
2. Proposers should submit a detailed timetable for 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. Please do not exaggerate intended capital investment. In the successful proposer's license agreement, the cost estimates provided in the proposer's submission will become a minimum required expenditure and the time frame provided will become a required construction schedule. Therefore, please be realistic or even conservative in the capital investment you offer.
3. Proposers should submit completed copies of Parks' business questionnaires (Business and Personal Questionnaires) and VENDEX business questionnaires (Business Entity and Principal Questionnaires), which may be obtained by contacting the project manager. Four (4) copies of the proposal and each VENDEX form must be submitted.
4. Proposers should submit a resume or detailed description of the proposer's professional qualifications. Please highlight any previous experience working for a city agency or city regulatory agency, and the extent to which you have been able to accommodate city procedures. Also, include the names and addresses of all corporate officers of the entity submitting the proposal.
5. Hours of operation, proposed cleaning and maintenance schedules, and staffing and security plans should be included.
6. 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 they expect to hire from the community. Parks will view favorably proposals that will employ members of the community.
7. All proposers should include a detailed, well thought out pro forma income and expense projection for each year of operation. This pro forma should include explanations for all of the assumptions used in its formulation.
8. All proposals should include a financial statement prepared in accordance with standard accounting procedures.
9. NYC Parks & Recreation is charged with improving customer satisfaction with the services provided at facilities on Parklands. Therefore, Parks would like proposers to explain in their submissions the mechanisms they would use to assess customer satisfaction with the services offered at this concession. Such mechanisms might include customer evaluations or survey



forms. Further, Parks would like proposers to explain how they would improve the quality of services offered if the above mechanisms indicate a need to do so.

10. Proposers should include a detailed operating plan. The plan should include, but not be limited to, hours of operation, items to be sold, and proposed prices.
11. All proposers should include a detailed, well thought-out pro forma of income and expense projections for each year of operation. The pro forma should include explanations for all assumptions.

### **Evaluation and Selection Procedure**

A selection committee comprised of Parks employees and constituted in accordance with rules set forth by the City's Franchise and Concessions Review Committee will use the following criteria to evaluate proposals:

- Fee offer
- Operating experience in the field (including experience as a City concessionaire, if applicable)
- Financial capability
- Planned operations, including proposed rides and attractions, tentative site plan, and public interest programming

Parks is not required to select the proposal with the highest fee offer; the concession will be awarded to the proposer whose submission the selection committee judges best overall based on these criteria. Parks' acceptance of a proposal does not imply that every element of that proposal has been accepted. Parks cannot consider any proposal which does not comply with the *Submission Requirements* section of this RFP. Proposals which do not meet these requirements will not be evaluated.

### **Other General RFP Requirements and Conditions**

NYC Parks and Recreation reserves the right to postpone or cancel the RFP or reject all proposals, if in its judgment it would be in the best interests of the City of New York to do so.

Proposers are advised that NYC Parks & Recreation has the option of selecting the successful proposer without conducting negotiations. Therefore, each proposer should submit his or her best proposal initially since negotiations may not take place.

All Request for Proposals submission material becomes 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 proposals from public disclosure, pursuant to Section 87 (2)(d) of the Public Officers

Law, on the grounds that the proposal contains trade secrets, proprietary information, or that the information, if disclosed, would cause substantial injury to the competitive position of the individual or firm submitting the information. Such exception may extend to information contained in the request itself, if public disclosure would defeat the purpose for which the exception is sought. The request for such an exception must be in writing and state, in detail, the specific reasons for the requested exception. It must also specify the proposal or portions thereof for which the exception is requested.

If Parks grants the request for exception from disclosure, Parks will keep such proposals or portions thereof in secure facilities.

NYC Parks & Recreation will not be liable for any costs incurred by proposers in the preparation of proposals or for any work performed in connection therein.

A proposer may submit a modified proposal to replace all or any portion of a proposal submitted up until the proposal submission deadline. The project manager will only consider the latest version of the proposal. Late proposals and late modifications will not be considered for evaluation. Proposers may withdraw their proposal 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 vendors. Proposers should contact the agency prior to submission of proposals to verify that any addenda issued have been received and proposers are to acknowledge the receipt of all addenda as part of their proposals.

The Office of the Comptroller of the City of New York is charged with the audit of concession agreements. Any person or entity who believes that there has been unfairness, favoritism, or impropriety in the proposal process should inform the Comptroller's Office of Contract Administration, located at 1 Centre Street, Room 835, New York, NY 10007. This office may be contacted at (212)669-2323.

Adrian Benepe  
Commissioner