SOLICITATION# M10-34-R

REQUEST FOR PROPOSALS

FOR THE OPERATION AND MAINTENANCE OF A CASUAL RESTAURANT, OUTDOOR CAFÉ AND BAR AT

TAVERN ON THE GREEN, LOCATED AT 67TH STREET AND CENTRAL PARK WEST, CENTRAL PARK

MANHATTAN

ISSUE DATE:
DECEMBER 29, 2011

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ADRIAN BENEPE	COMMISSIONER OF PARKS & RECREATION
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REQUEST FOR PROPOSALS (RFP)

The City of New York Department of Parks & Recreation (Parks) requests proposals for the operation and maintenance of a high quality casual restaurant, outdoor café, and bar (the Restaurant) at Tavern on the Green, including the grounds (Licensed Premises), located at West 67th Street and Central Park West, Central Park, Manhattan.

In February 2009, Parks issued an RFP for the renovation, operation and maintenance of a high quality restaurant and banquet facility at 67th Street and Central Park West. However, the RFP did not result in an award of a concession and Parks is therefore re-soliciting this concession. **Proposers should note that there have been significant changes to the scope set forth in the 2009 RFP, including a substantial reduction of the size of the restaurant. All terms and conditions contained in this RFP supersede those contained in the 2009 RFP. As such, proposers should read this RFP very carefully, and not refer to the previous RFP.**

THE TERM

Parks is seeking a concessionaire for one (1) twenty-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.

PROJECT MANAGER

The Project Manager for this concession is Charlotte Hall. All RFP questions and/or inquiries should be directed to her. She may be reached at:

Phone: (212) 360-3407;
Email: charlotte.hall@parks.nyc.gov;
Fax: (917) 849-6625



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 212-504-4115.

RFP TIMETABLE

The following schedule has been established for this RFP:

RFP Release Date:	**Thursday December 29, 2011**
Recommended Proposer Meeting & Site Tour:	**Wednesday February 1, 2012 at 10AM**
Proposals Due:	**Friday March 30th, 2012 at 3PM**



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 alternate arrangements can be made.

RECOMMENDED PROPOSER MEETING & SITE TOUR

There will be a recommended on-site proposer meeting and site tour on Wednesday February 1, 2012 at 10AM. We will meet at the proposed concession site (Block #1111& Lot # 1), located at 67th Street and Central Park West, Central Park, Manhattan. We will meet in front of the Visitor's Center and Gift Shop. We anticipate that more detailed technical information than what is provided in this RFP will be addressed at the site tour. Parks will issue an addendum based on the information provided at the site tour. Nevertheless, if you are considering responding to this RFP, please make every effort to attend this recommended meeting and site tour.

I. PROJECT BACKGROUND

A. HISTORY

Central Park

Central Park attracts over 37 million visitors annually, making it one of the most popular destinations in New York City and the most visited park in the United States. In the 153 years since its inception, Frederick Law Olmsted's and Calvert Vaux's masterpiece of urban planning has become New York City's (the City) flagship park. The AIA Guide to New York City refers to Central Park as "the granddaddy of America's naturally landscaped parks." The park provides numerous activities, diversions and amenities: acres of green spaces for quiet recreation, woodlands famous for bird watching, formal gardens, "Strawberry Fields," 26 ballfields, lakes for rowing, bicycle and running paths, ice skating rinks, tennis courts, a zoo, and outdoor concert and performance venues, including free Shakespeare-in-the-Park at the Delacorte Theater. Also found in Central Park are dozens of dining options, from the iconic hot dog carts to specialty food carts, outdoor cafés and a high quality restaurant.

The facility known as Tavern on the Green is located at one of the premier spots in Central Park, just west of the Sheep Meadow near West 67th Street, and steps from City attractions such as Lincoln Center and the Time Warner complex at Columbus Circle. Tavern on the Green is highly accessible by public transportation, including the A, B, C, D, 1 and 2 subway lines and the M10, M66 and M72 buses.

History: from the Sheepfold to Tavern on the Green

The Sheepfold in Central Park, constructed in the latter half of the 19th century at the same time as the Tweed Courthouse on Chambers Street (now home to the New York City Department of Education), is one of the City's finest examples of Victorian Gothic architecture and one of the park's most treasured landmarked buildings. Most recently used as a restaurant named Tavern on the Green, the building is the best surviving work of the British architect and ornamentalist, Jacob Wrey Mould (1825-1886). Mould is also responsible for other Park treasures including the carvings and the Minton tile arcade at Bethesda Terrace, the pavilions at Belvedere Castle, and many of the park's ornamental bridges, designed in collaboration with Calvert Vaux.

Constructed of "the best Colobaugh brick," local granite, and blue and gray Malden stone, the decorative elements of the building's facade are still intact despite twentieth century additions, some of which are now being removed in an effort to restore certain aspects of the building's historic footprint. The original U-shaped building had three elements: the Sheepfold proper (now the open air terrace); the residence of the Keeper and his men; and the open Loggie and their balconies. The northern and southern extremities of the building faced "the Green," which became known, appropriately, as the Sheep Meadow. The present windows, flanked by red granite columns and decorative stone and tile work, may have once been part of the open air structure. The interior (and possibly exterior) flooring was originally paved with Minton encaustic tiles. Completing the compound, adjacent to the main building were barns and lofts for storage of feed for the sheep.

The preliminary sketch for the building was published in the First Annual Report of the Department of Public Parks of 1871. Many construction drawings for the building are available in the Municipal Archives of the City of New York.

Tavern on the Green: A Dining Destination

Parks Commissioner Robert Moses converted the Sheepfold (which actually housed 200 South Down sheep that grazed across the street) into a restaurant named Tavern on the Green, which opened to the public on October 20, 1934. New Yorkers quickly embraced this new eatery and it soon became an integral part of the City's social life. From the late 1930s until 1943, the restaurant was closed and the building was used as the headquarters for the Civilian Patrol Corps. The restaurant reopened in 1943 under new management and was renovated into a year-round facility. By the 1950s, the structure was showing some wear and tear and underwent further renovation by the designer Raymond Loewy. At that time the restaurant had been expanded to serve more than 1,200 diners. A succession of management companies operated the restaurant until well-known New York restaurateur Warner LeRoy acquired the license for the facility in 1973. The revitalized restaurant became a popular destination for tourists and New Yorkers alike. It grew in size and popularity over the years, embracing more than a half-million patrons annually, and became one of the highest grossing restaurants in the United States. Although Mr. LeRoy passed away in 2001, his daughter Jennifer continued to operate the restaurant until the license agreement between Parks and Tavern on the Green Ltd. (formerly LeRoy Adventures, Inc.) expired on December 31, 2009.

Parks solicited a new operator via an RFP, which was issued on February 2, 2009. No award was made as a result of that RFP, and the City completed sufficient interior and exterior capital improvements to allow modified use of the restaurant. As such, since October 2010, the restored terrace was enjoyed as an outdoor café served by several specialty food trucks (which operated under one year permit agreements), and as a venue for cultural and community events over the summer. The interior space currently serves as a Visitor's Center and Gift Shop, managed by the Central Park Conservancy (CPC), a not-for-profit corporation dedicated to the restoration and management of Central Park.

B. Planned Restoration

In the autumn of 2011, the City decided to make a substantial investment in the restoration of Tavern on the Green. The City will deliver to the concessionaire a fully renovated building envelope along with

substantial infrastructure improvements, henceforth called "core and shell," a project which will reduce the footprint and restore certain historic facades of the building. The City anticipates that construction will be completed during the summer of 2013. Parks will view favorably proposers whose construction plans would allow the facility to open in 2013.. The expected total net square footage that will be available to the concessionaire after the City's capital project is complete totals approximately 10,320 net square feet indoors, and 11,950 square feet of terrace space. Aside from kitchen and bathroom placement, Parks will not impose an internal lay-out or design scheme on the concessionaire, so plans for division and use of space for both operations and storage, as well as all plans for interior design, should be included in all proposals. Configuration of the fit-out should be determined by the specific plans and needs of the proposer, and should be clearly delineated in the proposal.

All external work and underground ducting at the north wing will be included in the City's project, but some aspects of demolition and removals at the north wing are outside of the scope of the City's project and will be the responsibility of the concessionaire.

Please see Exhibits A and B for a floor plan and map delineating the facility as it will be delivered to the concessionaire.

Planned capital improvements by the City will include:

- Demolition of non-historic additions including the Loewy addition, southern glass and steel addition, and back of house structures
- Removal of existing hazardous material
- Masonry reconstruction of landmark quality brick and cut stone exterior walls
- New roofing and drainage system
- Restoration of existing exterior architectural elements
- Removal of existing rear service yard pads, slabs and steps, kitchen equipment, boilers and related piping and underground oil storage tanks. A new paved service yard will be provided with vehicular access from Central Park West
- Exterior security lighting
- Installation of historically appropriate windows
- Wall insulation and stud framing at interior face of exterior walls
- Replacement of subflooring and replacement of stair to cellar level
- Provision of new services for gas, fire protection, electrical, sewer and water systems
- Rough-ins for plumbing fixtures-- including kitchen and restroom
- Installation of grease traps
- Installation of new sprinkler system including branch piping and heads
- Installation of new HVAC equipment
- It is anticipated that the City will provide mechanical equipment capable of providing 15,600 CFM for dining areas, 13,300 CFM for the kitchen area
- Distribution of ductwork (including kitchen and restroom exhaust riser ducts/chase and exterior equipment)
- Installation of new hot water heaters
- Installation of new electrical system including electrical distribution from panels to fixtures and receptacles
- Installation of fire alarm system

- Provision of data/cable panels
- It is anticipated that the City will provide: 1200A, 120/208V, 3-Phase, 4 wire electrical incoming service

II. PROJECT COMPONENTS

A. OVERVIEW

Parks is seeking proposals for the build-out, operation and maintenance of a high-quality casual restaurant, outdoor café and bar at Tavern on the Green, located at West 67th Street and Central Park West, Central Park, Manhattan.

Parks envisions a moderately priced casual restaurant, outdoor café and bar that will honor the original design intent of the Olmsted and Vaux park plan, and re-imagine the traditional restaurant concept, offering a variety of high quality casual dining options to all park-goers, both New Yorkers and tourists. The renovated restaurant will take full advantage of the views of the park and the surrounding cityscape. Parks is seeking proposals that are in harmony with the natural park environs of Tavern on the Green.

Today's Central Park differs significantly from the Central Park of the 1970s when Mr. LeRoy began to operate Tavern on the Green. CPC has invested more than $550 million dollars to enhance, repair and maintain Central Park's 843 acres, and is responsible for stewardship and oversight of several buildings in Central Park. In crafting their vision for this concession, Parks encourages proposers to focus particularly on the restaurant's relationship with the park, which has enjoyed renewed vitality in the last few decades. Going forward, Parks envisions a restaurant which enjoys a synergy with the Sheep Meadow, Heckscher playground and ballfields, Literary Walk, Strawberry Fields and all the other areas of the park that make it one of the City's top tourist destinations.

Proposers are encouraged to submit comprehensive, thoughtful and imaginative proposals for the build-out, operation and maintenance of a casual restaurant, outdoor café and bar that will continue to attract and delight patrons well into the 21st century.

B. DINING AMENITY FOR PARK VISITORS

Parks is seeking proposals that offer dining amenities for the millions of annual visitors to Central Park. Proposals should make creative use of the space, keeping in mind that Parks envisions Tavern on the Green as a destination for everyday visitors to the park, with a vibrant bar scene and high quality, casual dining options. Parks will allow the concessionaire to operate a small gift shop.

Parks envisions venues for food service within the space that could include: a casual, moderately priced restaurant; a bar space for park visitors to meet and gather for a drink and small plates; and a café for full service and/or self-service operation with both indoor and outdoor seating. A take-away window could be utilized in conjunction with the café, offering pre-packaged foods and beverages to go. With a focus on serving visitors to the park and the surrounding community, this restaurant is envisioned as a neighborhood dining destination.

C. OPERATIONS

i. Operational Plan

Proposers should submit a detailed operational plan for the entire Licensed Premises. This plan should include, but not be limited to, intended use of the Licensed Premises, menu (including whether healthy food options will be provided), marketing plans, hours of operation, services to be provided, any plans to install energy efficient appliances that have the Energy Star seal of approval and/or water conserving appliances, and any plans to use "Green Seal" or other environmentally friendly products or devices, staffing plans, safety and security plans, merchandise to be sold, programming plans, mechanisms to measure customer satisfaction, a detailed list of all proposed fees and prices, landscaping/horticulture plans, and maintenance, snow, rubbish removal, and cleaning schedules. All plans, schedules, services, menu items, merchandise, prices and fees, and hours of operation are subject to Parks' prior, written approval.

Hours of Operation

The concessionaire may only operate the Licensed Premises when the park is open. Central Park is open from 6am to 1am daily. At its sole discretion, but based upon written request from Licensee, Parks may allow changes to Licensee's approved operating hours/schedule. If the request is granted by the Commissioner, the concessionaire will continue to be responsible for all other obligations under the License Agreement, including the payment of all license fees.

Staff

The concessionaire will be required to have a sufficient number of staff available at the Licensed Premises during regular operating hours to ensure proper operation of the concession. Parks reserves the right to require that all staff wear uniforms that have been approved in writing by Parks.

Maintenance

The concessionaire will be required, at its sole cost and expense (or through arrangements with third parties), to build-out, operate, and maintain the Licensed Premises in good and safe condition and in accordance with industry standards. This includes, but is not limited to, the maintenance and repair of the entire Licensed Premises, all interior and exterior structures, building systems, utility systems and connections, sewer systems and connections, equipment, lighting, sidewalks, paved areas, vaults, gutters, curbs, and fixtures during the course of the term. In addition, all signs and structures on the Licensed Premises must be kept in good condition and free of graffiti. The erecting of any ancillary structures at the Licensed Premises shall be subject to Parks' prior written approval. Any graffiti at the Licensed Premises must be removed promptly by the concessionaire.

Snow, Rubbish Removal & Recycling

The concessionaire will be responsible for, at its sole cost and expense, daily clean-up and removal of all snow, waste, garbage, refuse, rubbish and litter from the Licensed Premises. The concessionaire will be required to provide adequate and easily accessible waste and recycling receptacles, approved by Parks, and have these receptacles emptied on a daily basis and removed by a private carter. The location, placement and appearance of all waste and recycling receptacles are subject to Parks' prior written approval. The concessionaire will be required to comply with all City, State, and Federal regulations regarding recycling. In addition, the concessionaire will be required to demonstrate to Parks'

satisfaction, through a detailed maintenance plan, that the concessionaire will keep and maintain the concession site in excellent condition throughout the license term.

Horticulture & Landscaping

The selected concessionaire will be required to submit detailed plans to Parks and CPC of all horticultural and landscaping work to be performed. All work to be performed at the Licensed Premises is subject to Parks' and CPC's prior written approval. The concessionaire will be required to maintain and improve the landscaping at the Licensed Premises. This shall include, but is not limited to, performing any seeding, trimming, pruning, planting, fertilization, terrain shaping, and soil improvements. In addition, Parks requires that any trees on the Licensed Premises be pruned as needed by an ISA-licensed arborist. The concessionaire will be required to obtain all necessary permits, approvals, and authorizations from all City, State, and Federal agencies having jurisdiction over the Licensed Premises before any work is performed, and such work shall be of a quality which meets Parks' standards. Any attachments to the trees, shrubs or plants, such as lights, will not be permitted without prior written approval from Parks.

Storage

Proposals should include a storage plan for the Licensed Premises. Proposers are responsible for allotting an adequate portion of the restaurant to meet storage needs. The concessionaire shall be responsible for, at its sole cost and expense, obtaining any additional storage space required for the operation of the concession. The concessionaire will be required to store all outdoor equipment on a nightly basis and anytime the concession is closed.

ii. The Restaurant

The concessionaire will be required to build-out, operate and maintain a restaurant at a high standard of quality. The restaurant should make a significant contribution to the ambience of the park and surrounding area while providing a convenient service to the public. Parks will view favorably proposals that include team members who offer experience and expertise in restaurant operations.

Proposers should submit a menu or menus and price list(s) in their proposals that demonstrates quality, variety, and affordability. Parks will view favorably menus that demonstrate innovation and that are attuned to the needs and desires of the park users, surrounding community and visitors. Proposers should submit separate menus and price lists for each component of the concession proposed, i.e. a separate menu for a restaurant, café and bar. All prices and menu items are subject to Parks' prior written approval. Parks may approve a range of prices in advance to accommodate fluctuating food and supply costs.

The concessionaire will be required to maintain adequate inventory to assure a constant supply of food and beverages. Any staff assigned by the concessionaire to sell food and beverages to the public must possess all Federal, State, and City authorizations, and possess, and at all times display, appropriate New York City Department of Health and Mental Hygiene (DOHMH) permits. **The concessionaire may only operate the restaurant if he or she has obtained the appropriate, valid permits and authorizations required by DOHMH.**

Food Service Facility Sublicensing Option

Proposers seeking to sublicense food service operations for some or all of the food and beverage services provided will be required to report total gross receipts generated from food service. Because the proposer's fee offer will be in the form of a guaranteed minimum payment vs. a percentage of gross receipts, total gross receipts from food service operations must be included in the gross receipts upon which payment to the City is based, unless otherwise approved by Parks. All terms and conditions of sublicense agreements, including payment to the City, are subject to Parks' approval.

Alcoholic Beverages

Alcoholic beverages may be served to complement food service, provided that the concessionaire obtains the appropriate license(s) from the State Liquor Authority (SLA). The concessionaire shall also be required to maintain liquor law liability and host liquor law liability insurance coverage. Alcoholic beverages may only be served in the immediate vicinity of the Licensed Premises and/or in a cordoned-off area if exterior seating is proposed and must be consumed on the Licensed Premises within designated areas.

DOHMH Information

In addition to a Parks license, at all times that the restaurant is operating, a staff person with a valid DOHMH food handler's license must be present. To obtain a DOHMH license, contact the New York City Licensing Department, 42 Broadway, 5th floor, Monday through Friday 8:30am to 5:00pm or by phone at 311 or 212-New York. Vendors should be aware that if they are applying for a DOHMH license for the first time, this process can take six weeks or more. Vendors operating without all necessary permits may be subject to fines and/or confiscation of merchandise.

Temporary Shade Structure

The concessionaire may utilize non-permanent shade structures or awnings at the Licensed Premises subject to Parks' prior, written approval. Proposals should include a rendering of what such temporary shade structures or awnings would look like. Any relevant permits, such as New York City Department of Buildings (DOB) permits, must be obtained by the concessionaire prior to the installation of a shade structure.

Outdoor Terrace

The concessionaire may place tables, chairs, umbrellas and restaurant equipment at the outdoor terrace component of the Licensed Premises. The design, color, placement, and number of all tables, chairs, umbrellas and restaurant equipment are subject to Parks' prior, written approval. Proposals should include a rendering of plans for use of the outdoor terrace. Advertising on umbrellas and outdoor furniture is strictly prohibited.

Gift Shop

The concessionaire may elect to operate a small gift shop as part of the restaurant operations. Should the concessionaire choose to do so, all items for sale and prices are subject to Parks' written approval. The concessionaire would be expected to cooperate with CPC with regard to merchandising.

Proposers should be aware that the City is the trademark owner of various marks and has licensed the use of those trademarks for use on certain designated merchandise. If the successful proposer wants to sell merchandise that uses the City's trademarks, the successful proposer will be required to purchase

merchandise from authorized licensees of the City of New York. All prices and merchandise to be sold are subject to Parks' approval.

iii. Parking and Vehicles

The parking lot will not be a part of the Licensed Premises, and will not be the responsibility of the concessionaire. No containers, garbage dumpsters or refrigeration units will be permitted in the parking lot.

Supplemental Transportation
Proposers should include any plans for supplemental transportation, such as shuttle, bus or trolley services, to the Licensed Premises and any plans for the creation of a drop-off and pick-up area or structures in their proposals. The concessionaire will be permitted to use a portion of the parking lot for this purpose, with the prior written approval of Parks. The concessionaire will be responsible for obtaining all necessary permits, licenses and approvals from all City, State and Federal Agencies having jurisdiction. The concessionaire shall ensure that any provider of transportation services utilized by the concessionaire for the provision of supplemental transportation will fully indemnify the City and CPC.

With regard to such supplemental transportation, the Concessionaire shall maintain or cause to be maintained Business Automobile Liability insurance in the amount of at least One Million Dollars ($1,000,000) each accident (combined single limit).

Bridle Path
The Central Park bridle path, which is more than six miles long, encircles the Reservoir as well as the North Meadow, and runs along the east side of the restaurant. Proposers should note that no vehicles will be permitted on the bridle path, including trucks making deliveries to the Licensed Premises. All deliveries must be made through the service entrance to the restaurant accessible via Central Park West.

iv. Events

Tavern on the Green has historically been a popular venue for celebrating a variety of special events. While the Tavern on the Green of the past was significantly larger, and therefore more conducive to substantial special events, Parks imagines that the tradition of hosting special events at Tavern on the Green will continue on a more intimate scale.

At any event, amplified sound and music must end by no later than 10:00 p.m. and decibel levels from the events must be in accordance with the New York City Administrative Code.

Special Events
Because Parks envisions this facility as a hub of activity for the surrounding community and visitors to the park, Parks plans to approve only a limited number of events that would require closure of the restaurant entirely. Such events must be specifically approved or sponsored by Parks and such a closure must be announced to the public at least two (2) weeks in advance of such activities or events.

Proposers should be reminded that the parking lot adjacent to Tavern on the Green is not a part of the Licensed Premises. The City will host a limited number of events at the parking lot during the period surrounding the New York City Marathon.

v. Community

This Licensed Premises is located in a residential neighborhood. As such, Parks will view favorably proposals that demonstrate an awareness of the role of the concession 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, the community, and CPC.

Parks will view favorably proposals that demonstrate how the concessionaire will work with Parks and CPC staff to address maintenance issues, and work with area residents to address concerns, such as noise complaints.

Security
The concessionaire, at its sole cost and expense, shall be responsible for all security at the Licensed Premises year round and shall provide a 24 hour-a-day security system at the Licensed Premises in accordance with plans approved by Parks in writing in advance. The concessionaire will be required to secure the Licensed Premises, and any equipment, including any outdoor furniture, every evening.

Safety
Since safety is of the utmost concern, proposers with prior experience in operating this type of facility or similar facilities should submit their personal and/or company safety record. Each proposal should include a detailed outline of maintenance schedules and safety precautions required for the operation of the Licensed Premises as well as any applicable staff qualifications and certifications. Proposers should also provide descriptions of the locations and types of facilities they have operated, including a list of references. The concessionaire will be required to comply with all national safety guidelines and Federal, State and City laws, rules and regulations related to the build-out, operation and maintenance of the Licensed Premises.

vi. Naming of the Concession

The City owns a federal trademark registration for the use of the name "Tavern on the Green" for restaurant services and the successful proposer will be required to operate the concession in Central Park using the name "Tavern on the Green." The successful proposer will not own or acquire any independent rights in such name from the operation of the concession. Parks will not consider proposals that are contingent upon the use of any other name.

Under a separate pre-existing agreement, the City has agreed that it will not object to the use of the name "Tavern on the Green" by an unrelated and unaffiliated third party, or its licensees, in connection with the operation of restaurants outside the tri-state area and parts of Pennsylvania, and outside of the United States, but any such restaurant will be required to use differentiating language in the name of the establishment in the nature of a geographic or location identifier (e.g. "Tavern on the Green – Los Angeles"), as well as prominent disclaimers stating that such restaurant is "Not affiliated with Tavern on the Green in Central Park in New York City." The City has also agreed that it will not object to the use of the name "Tavern on the Green" on various consumer products, including packaged goods, household

items and salad oil dressings, but all such products will be required to have prominent disclaimers stating that such products are "Not affiliated with Tavern on the Green in Central Park in New York City." In addition, unless expressly permitted by the City, such products will not be sold at retail outlets within the City of New York. A copy of the agreement pertaining to such third party uses is available upon request.

vii. Labor Guidelines

Each proposer should submit a detailed description of any labor issues experienced in its restaurants (e.g., strikes, work stoppages, etc.). Proposers should describe any examples of previous operations in a union environment. Respondents that can show experience with harmonious labor relations or a lack of negative labor issues will be preferred, as will respondents that can show a likelihood of harmonious labor relations in this concession.

viii. Environmental Considerations

As a protector and provider of green spaces, Parks is deeply committed to respecting the environment. Therefore, all proposed operational plans should include a detailed description of environmentally friendly practices planned for the Licensed Premises. Practices may include, but are not limited to, the installation of Energy Star compliant appliances, the use of energy efficient, non-polluting, low noise generators, the employment of energy efficient and water conservation measures, the use of low toxicity chemicals, preservation of natural areas, and the use of environmentally friendly products. The City will be seeking LEED certification for the core and shell renovation of the building, and the concessionaire shall fit out the interior of the building as required to meet the City's obligation for any such certification, including but not limited to plumbing fixtures, finishes and mechanical diffusers.

Products and Appliances
Parks views favorably the installation of Energy Star approved appliances and equipment, commercial refrigerators, at the Licensed Premises. Proposers should state whether they intend to install products that have the Energy Star seal of approval. Energy Star products and environmentally friendly practices can be found at: http://www.energystar.gov.

Parks also views favorably proposals that include plans to use "Green Seal" eco-friendly products such as soaps, cleaners, light bulbs, paper towels, toilet paper and paint. A list of "Green Seal" certified products can be found at http://www.greenseal.org/findaproduct/index.cfm, and a list of environmentally-friendly products/materials is also available at: http://www.nyc.gov/html/mocs/html/programs/other_epp.shtml. Proposers should state whether they intend to utilize or install "Green Seal" or other environmentally friendly products, devices, or methods for cleaning and operational purposes. Proposers should also state in their proposals whether they intend to utilize or install energy-efficient compact fluorescent light bulbs (CFLs).

Parks encourages the successful proposer to use chlorine free, biodegradable products such as paper towels, napkins, utensils and plates if the proposer intends to utilize any disposable products for all food service at the Licensed Premises. Additionally, Parks will encourage the use of environmentally friendly cleaners and the selling of sustainable food products. Proposers can consult the web site of the Green Restaurant Association (GRA) to locate GRA-endorsed products. Please visit http://www.dinegreen.com for more information. In addition to the use of environmentally friendly products, Parks will encourage

the successful proposer to train staff on environmentally friendly food service practices and to utilize a composting service to dispose of food waste.

Drought & Water Conservation Issues
The concessionaire will be required to adhere to all DEP directives and restrictions regarding drought and water conservation issues during the license term. Proposals should include any plans to employ methods and equipment which will conserve water.

ix. Other Requirements

Customer Service
Parks expects the concessionaire to create and maintain a high-quality amenity for the public. Parks encourages proposers to implement customer service mechanisms that will enhance and maintain the satisfaction of patrons. These mechanisms should be outlined in each proposal.

Signage & Advertising
The concessionaire will be required to prominently display signage at the Licensed Premises listing all prices, rates, and hours and days of operation. The design and placement of all signage, including signage which includes the concessionaire's name, trade name(s) and/or logo(s), is subject to Parks' prior written approval. The concessionaire will be prohibited from placing or permitting the placement of advertisements in the Licensed Premises without the prior written approval of Parks. The display or placement of tobacco advertising shall be prohibited.

In the event advertising is allowed, the following standards will apply: Any type of advertising which is false or misleading, which promotes unlawful or illegal goods, services or activities, or which is otherwise unlawful including, but not limited to, advertising that constitutes the public display of offensive sexual material in violation of Penal Law Section 245.11 shall also be prohibited. Any such prohibited material displayed or placed by the concessionaire shall be immediately removed by the Licensee upon notice from Parks. In addition, the advertising of product brands is prohibited without Parks' prior written approval. Any and all signage is subject to Parks' written approval.

Internal Controls
Throughout the License term, 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. This revenue control system must maintain detailed sales information from each sales transaction. Specifically, sales information must be recorded electronically, via a point-of-sale system, and must include, but is not limited to, details on each sales transaction, the item(s) sold, time, date of sale and price of the item sold. The concessionaire must also establish a dedicated bank account for all deposits related to this concession. All accounting and internal control related records shall be maintained for a minimum of ten (10) years from the date of creation of the record.

Identification & Address
The successful proposer will be required to present picture identification (such as a driver's license or a passport) and proof of address (such as a utility bill) in order to execute the license agreement. In addition, all proposers will be expected to provide Parks with at least two (2) telephone numbers for contact purposes. The successful proposer shall notify the Parks Revenue office immediately of any changes to the successful proposer's address or phone number.

Access to Licensed Premises
The concessionaire will be required to provide Parks with full and free access to the Licensed Premises to ensure Parks' satisfaction with the concessionaire's compliance with the terms of the License Agreement.

No Exclusive Vending Rights
Proposers should note that the license agreement will not grant the concessionaire exclusive rights to sell in the park in which the Licensed Premises are located. Moreover, Parks may grant other permits to vendors to sell the same or similar items authorized under this license agreement within the same park in which the Licensed Premises are located. Parks does not guarantee that illegal vendors, persons unauthorized by Parks or disabled veteran vendors will not compete with the successful proposer or operate near the Licensed Premises. Parks encourages concessionaires to report illegal vendors by calling 311.

Lighting
As part of the City's capital investment, new exterior security lighting will be installed. During the License Term, the concessionaire shall be responsible for maintaining safe lighting throughout the Licensed Premises. The concessionaire shall also be responsible for replacing lamps after lamp outages within ten (10) days of the reported outage. No lighting may be affixed to any trees without prior written approval.

Music & Sound Levels
Amplified sound and music must end by no later than 10:00 p.m. and decibel levels must be in accordance with the New York City Administrative Code. The concessionaire shall be responsible for payment of any and all fees or royalties to the American Society of Composers, Authors and Publishers (ASCAP), Broadcast Music, Inc. (BMI), or such other entity as they may require for such music or music programming. The concessionaire may operate and play sound equipment and music only at a sound level reasonably acceptable to the Commissioner. Any musical programming or other types of entertainment must be approved by Parks. A cabaret license to offer dancing and performance amenities to patrons may be allowed, subject to Parks' approval.

III. CAPITAL IMPROVEMENTS

Parks anticipates a substantial investment from the concessionaire. The concessionaire will be responsible for all costs associated with the build-out, operation, and maintenance of the Licensed Premises.

A. INTERIOR BUILD-OUT

As previously described, Parks will deliver an open-plan core and shell to the concessionaire. The concessionaire will be responsible for erecting any non-load-bearing walls, all fixtures, all distribution of utilities, and all interior design work. This opportunity allows a concessionaire to create a restaurant that will exactly suit their tastes and needs, without the financial burden of structural and restoration work. Although the City is making a large investment in renovating and restoring Tavern on the Green,

the concessionaire is expected to make a significant investment in transforming the historic structure into a restaurant that reflects its world-class environs.

In planning the interior build-out and design of the restaurant, proposers should take into consideration storage needs for the operation of the restaurant, café and bar, and should include storage plans in the proposal.

Parks will view favorably proposals that include "green building" design elements and encourages the use of environmentally friendly products for all repairs and capital improvements. A list of products/materials relating to environmentally-friendly practices in City construction projects is available in the *New York City EPP Minimum Standards for Construction Products*. A hard copy of the standards may be obtained from the agency or on the web at: http://www.nyc.gov/html/mocs/html/programs/other_epp.shtml.

Any maintenance to the interior of the building deemed necessary during the course of the term shall be the responsibility of the concessionaire.

Specific components of interior build-out that proposals should address include:

- Furniture and decor
- Wall finishes (framing and insulation to be provided by City)
- Floor finishes
- Ceiling finishes
- All gypsum board throughout and interior partitions and doors
- Interior and exterior light fixtures (except some exterior security lighting to be provided by City)
- Ansul system (chase for exhaust system risers and exterior equipment to be provided by City)
- Restroom fit-out including fixtures, partitions, and finishes
- Kitchen fit-out including fixtures, partitions and finishes and all equipment necessary to run a high quality food establishment
- Interior reconfiguration at north wing

Utilities

The concessionaire will be required to pay for any and all utility costs connected with the operation of this concession during the License term. These utility costs include paying all water and sewer charges that the New York City Department of Environmental Protection (DEP) assesses for water usage. As part of the core and shell project, the City will turn over a space provided with utility connections capable of supporting a facility of the size and type contemplated in this RFP. All utility loads will be reviewed with the selected concessionaire as part of the design and construction process.

Available Plans

Any available plans may be obtained from Parks' Document Services/Map File 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. There is a nominal fee for reproductions. Parks makes no representations as to the availability, accuracy or completeness of these documents. Once a concessionaire has been selected, all relevant construction plans will be made available to the concessionaire at no cost.

Plans for the City's current capital project may be found at the following website, as soon as they are available: www.nyc.gov/parks/tavernrfp.

B. EXTERIOR ALTERATIONS

Exterior of Building

The City plans to take responsibility for all exterior and structural restoration and limited interior renovation as described in this document necessary to deliver the core and shell to the concessionaire. Any maintenance deemed necessary during the course of the term will be the responsibility of the concessionaire. Please note that any repair to the exterior of the building during the course of the term will require prior written approval from Parks, the New York City Landmarks Preservation Commission (LPC), the DOB and any other agencies having jurisdiction.

In addition to a full build-out of the interior of the building, proposers shall be responsible for any structural, mechanical and general building repair/replacement in-kind during the course of the term.

Terrace Gardens

Parks seeks proposals that include the development of the terrace gardens. The concessionaire will be required to maintain these areas. Proposals should include plans to:

- Prune, plant and landscape grounds, as needed, in conjunction with CPC
- Establish planting areas and gardens at strategic locations throughout the Licensed Premises, such as the entrance to the restaurant, and around the restaurant. (The design should emphasize native species trees and plants)
- Improve the condition of the perimeter of the Licensed Premises by removing dead trees, debris and invasive non-native species, in conjunction with CPC
- Coordinate with CPC on the choice of plant material that is appropriate to the historic character of the park. All plans for outdoor lighting must be approved by Parks. No lighting may be affixed to any trees without prior written approval.

C. REQUIREMENTS

ADA Compliance

The concessionaire shall be required to provide ADA accessibility throughout the Licensed Premises, including, but not limited to, installing ADA accessible counters as needed, installing ramps as needed, providing required accessible restrooms and providing ADA signage. The concessionaire shall comply with all 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. All dining areas must meet ADA accessibility guidelines and at least one accessible men's and women's restroom shall be provided on the main floor.

Permits, Licenses & Approvals

The concessionaire will be responsible for obtaining all necessary permits, licenses and approvals from all City, State and Federal Agencies having jurisdiction for the operation and maintenance of the Licensed Premises. The concessionaire will also be responsible for obtaining, amending and complying with the sign-offs, public assembly permits, DOHMH permits, fire department certificates and all other

permits including, but not limited to, DEP, New York State Department of Environmental Conservation (NYS DEC), and/or other government agency approvals and permits necessary for any alterations to the existing Licensed Premises.

Certificate of Occupancy

The concessionaire will be required to operate and occupy the Licensed Premises in accordance with all applicable law and shall, at its sole cost and expense, obtain all licenses and permits that may be required to operate the Licensed Premises in accordance with applicable law. The concessionaire shall at all times operate the Licensed Premises in accordance with the provisions of any required licenses or permits. Proposers should note that a Certificate of Occupancy (C of O) is on file with DOB; however the City is making substantial alterations to the building that will require an amendment to the existing C of O. The City will obtain an amended C of O in close consultation with the concessionaire. The concessionaire will need to file for new Public Assembly permits to reflect the altered legal occupancy. All Licensee designs and works to be performed within the structure shall be prepared by licensed architects or engineers and may require prior approval from Parks, LPC, DOB, 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.

Evaluation of Capital Investment and Design

Please note that Parks will weigh capital investment and design in its evaluation process (for more information, please see the "Proposal Content Guidelines" section). 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 duration of each improvement. The timetable may use "phases" as a schedule. Also, please indicate whether you plan to account for environmental considerations in your capital improvement and maintenance plan.

In compiling your capital submission, please be aware that the cost estimates provided in the successful proposal will become a minimum required capital expenditure in the License Agreement, and the time frame proposed will become a mandatory capital schedule. In the event the concessionaire 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. If the concessionaire by the expiration or sooner termination of the License Agreement fails to expend the minimum capital expenditure required up to the date of expiration or sooner termination of the License Agreement, the City may also require any unexpended monies to 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 toward the proposer's capital investment become the property of Parks upon installation, at Parks' option. The concessionaire 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 versus personal expendable items in their proposals. Personal expendable items should not be considered capital. Capital Improvements shall not include routine maintenance and repairs required to be performed in the normal course of management and operation of the concession. For example, routine painting and repair of minor wear and tear is considered routine maintenance and would not be accepted as capital investment. Parks reserves the right to determine whether certain repairs and material purchases can be accepted as capital improvements. The concessionaire shall pay for all improvements.

As a Parks concessionaire, you may request a sales tax waiver for all sales tax costs associated with the capital expenditures on your Parks concession. Therefore, no sales tax expenses will be accepted as part of capital submissions. Personal expendable items 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."

Note: *All necessary permits and approvals for capital work and design must be obtained from the DOB including, but not limited to, Public Assembly Permit or Letters of No Objection, as needed. Additionally, all designs and construction to be performed on the structure shall be prepared by licensed architects or engineers and will require prior written approval from Parks,), DOB, and/or any other agency having jurisdiction. The concessionaire will be required to provide Parks with all plans and specifications upon completion of the construction documents. Furthermore, the concessionaire will be responsible for obtaining an amended C of O for any future alterations that affect the legal status of the C of O.*

Construction Security Deposit & Payment Bond

At Parks' discretion, the concessionaire may be required to provide a construction security deposit, in an amount and format approved by Parks, to ensure that all capital work is completed. If required, this security deposit, preferably in the form of a letter of credit, must be in place before any capital work commences.

To guarantee prompt payment of moneys due to a contractor or his or her subcontractors and to all persons furnishing labor and materials to the contractor or his or her subcontractors in the prosecution of any construction, reconstruction, renovation or alteration of the Licensed Premises with an estimated cost exceeding two hundred fifty thousand dollars ($250,000), the concessionaire shall be required to post a payment bond or other form of undertaking in the amount of either one hundred percent (100%) of the total cost of such construction, reconstruction, renovation or alteration in a form acceptable to Parks before commencing such work or, if the construction, reconstruction, renovation or alteration of the Licensed Premises will be done in phases, one hundred percent (100%) of the cost of each phase of such construction, reconstruction, renovation or alteration in a form acceptable to Parks before commencing each phase of such work.

Design Review Fee

For Parks' Design Division review of the concessionaire's design documents, Parks will charge the concessionaire a fee (Design Review 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.

Note: *All designs, outdoor signage, and capital work performed at the site will require prior, written approval from Parks, , the New York State Historic Preservation Office, LPC (if applicable), and any other agency having jurisdiction. Additionally, all necessary permits and approvals for capital work and designs for on-site structures must be obtained from DOB.*

IV. ADDITIONAL REQUIREMENTS DURING LICENSE TERM

1. The concessionaire will be required to operate and maintain the Licensed Premises as a concession for the use and enjoyment of the general public.

2. The concessionaire will be required to submit a security deposit of 25% of the highest year's guaranteed minimum license fee, which will be required for the duration of the term of the license. This security deposit, which may be in the form of an interest bearing account or other format approved by Parks but not a letter of credit, will be due upon signing.

3. The concessionaire will be required to carry Commercial General Liability insurance in at least $2 million per occurrence, $5 million aggregate on a per-location basis for the Licensed Premises, and statutory limits of Worker's Compensation, Employer's Liability and Disability Benefits Insurance. The Commercial General Liability insurance will be required to name the City of New York, including its officials and employees, as an additional insured with coverage at least as broad as the most recent edition of Insurance Services Office (ISO) Form GC 20 26, and the City's limits will be no lower than concessionaire's. If vehicles are to be used in connection with the concession, the concessionaire shall carry Business Automobile Liability insurance in the amount of $1,000,000 for each accident combined single limit for liability arising out of ownership, maintenance or use of any owned, non-owned, or hired vehicles. If alcoholic beverages may be served anywhere on the Licensed Premises, concessionaire shall carry liquor law liability and host liquor law liability coverage in an amount not less than $2 million per occurrence, and name the City, together with its officials and employees, as an additional insured. The concessionaire shall also maintain comprehensive property insurance covering all buildings and structures located on the Licensed Premises. Proposers are on notice that the City may require other types of insurance and/or higher liability limits and other terms if, in the opinion of the Commissioner, the proposed concession warrants it.

4. The concessionaire will be required to submit monthly statements of gross receipts from all categories of income in a format approved by Parks. Within sixty (60) days following 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, as described under "Internal Controls" in Section II(C) (x) above.

5. 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 sales taxes which are paid by the concessionaire.

6. The concessionaire will be responsible for regular pest control inspections and extermination, as needed. To the extent that the concessionaire applies pesticides to any property owned or leased by the City, concessionaire or any subcontractor hired by concessionaire shall comply with Chapter 12 of Title 17 of the New York City Administrative Code and limit the environmental impact of its pesticide use.

7. The concessionaire will be prohibited from cutting down, pruning or removing any trees on the Licensed Premises without prior written approval from Parks. Any attachments to the trees, such as lights, will not be permitted without prior written approval from Parks.

8. The concessionaire will be required to cooperate with Parks during special and other unanticipated events.

9. Smoking of any tobacco product is strictly prohibited in parks except in parking lots or on sidewalks along the park perimeter. Concessionaire shall adhere to and enforce this policy.

10. Pursuant to Parks' policy citywide, the use of polystyrene packaging or food containers will be prohibited in the operation of the concession.

11. 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.

12. The concessionaire will be required to retain a professional licensed engineer or registered architect approved by Parks 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 prior written approval.

13. The concessionaire will be required to indemnify the City for claims arising out of the concessionaire's operations under the License Agreement, pursuant to a provision to be included in the License Agreement.

14. The concessionaire must obtain the prior written approval of Parks prior to entering into any marketing or sponsorship agreement. In the event that the concessionaire breaches this provision, the concessionaire shall take any action that the City may deem necessary to protect the City's interests.

V. THE RFP PROCESS/PROPOSAL PROCEDURE

A. PROPOSAL SUBMISSION INSTRUCTIONS

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' prior written 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:

Proposer's Name & Address
Solicitation No.: M10-34-R
Proposals Due: Friday March 30, 2012 at 3PM

Parks requests that proposals also be submitted electronically as a PDF file. Electronic submissions may be addressed to Charlotte Hall, at charlotte.hall@parks.nyc.gov.

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 for each operating year of the License term. At Parks' request, proposer shall submit documentation, satisfactory to Parks, demonstrating that it has the financial capability to pay the fees set forth in its proposal. Failure to provide such documentation will result in a determination of non-responsiveness.

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 $25,000 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 license 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, The Arsenal-Central Park, 830 Fifth Avenue, Room 407, New York, New York 10065.

4. All proposals must be received by Friday March 30, 2012 at 3PM. Hand delivery to Room 407 before the deadline is recommended to ensure consideration of your proposals. **Proposals and modifications 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, except as provided for in Section 1-13(j)(2)(i) of the Concession Rules.**

5. Pursuant to Local Law 34 of 2007, amending the City's Campaign Finance Law, the City is required to establish a computerized database containing the names of any "person" that has "business dealings with the city" as such terms are defined in the Local Law. In order for the City to obtain necessary information to establish the required database, proposers responding to this solicitation are required to complete the attached Doing Business Data Form and return it with this proposal and should do so in a separate envelope. (If the responding proposer is a proposed

joint venture, the entities that comprise the proposed joint venture must each complete a Data Form.) If the City determines that a proposer has failed to submit a Data Form or has submitted a Data Form that is not complete, the proposer will be notified by the agency and will be given four (4) calendar days from receipt of notification to cure the specified deficiencies and return a complete Data Form to the agency. Failure to do so will result in a determination that the proposal is non-responsive. Receipt of notification is defined as the day notice is e-mailed or faxed (if the proposer has provided an e-mail address or fax number), or no later than five (5) days from the date of mailing or upon delivery, if delivered.

C. PROPOSAL CONTENT GUIDELINES

Each proposal is expected to include the following:

1. Planned Operations
   - Proposers should submit a detailed operational and conceptual plan for the entire Licensed Premises. This plan should include, but not be limited to, intended use of the Licensed Premises, menu (including whether healthy food options will be provided), marketing plans, hours of operation, services to be provided, any plans to install energy efficient appliances that have the Energy Star seal of approval and/or water conserving appliances, and any plans to use "Green Seal" or other environmentally friendly products or devices, staffing plans, safety and security plans, merchandise to be sold, programming plans, mechanisms to measure customer satisfaction, a detailed list of all proposed fees and prices, landscaping/horticulture plans, and maintenance, snow, rubbish removal, and cleaning schedules.

   - Proposers should submit an estimated number of full-time and seasonal employees and the positions these employees will fill.

   - 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.

   - Proposers should include a comprehensive pro-forma income and expense projection for the first three years of operation. This pro-forma projection should include explanations for all the assumptions used in its formulation. Revenue projections should be provided for each year of operation.

   - Parks will view favorably the installation of Energy Star approved appliances and equipment, such as commercial refrigerators, at the Licensed Premises. Parks will also view favorably proposals that include plans to use "Green Seal" eco-friendly products such as soaps, cleaners, light bulbs, paper towels, toilet paper and paint.

- Parks will view favorably proposals that demonstrate an awareness of the role of the concession 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, the community and CPC.

- Parks will view favorably proposals that demonstrate how the concessionaire will work with Parks and CPC staff to address maintenance issues, and work with area residents to address concerns, such as noise complaints.

- Parks will view favorably menus that demonstrate innovation and that are attuned to the needs and desires of the park users, the surrounding community and visitors.

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, and/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. If any principal owner and/or officer of the submitting entity is currently or has been a principal officer of another entity or entities within the last five (5) years, that entity or entities (including applicable tax identification numbers) should be identified as well.

   - 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, such as a letter of reference from a financial institution that has extended credit to the proposer. Include 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.

   - Parks will view favorably proposals that include team members who offer experience and expertise in restaurant operations.

   - Respondents that can show experience with harmonious labor relations or a lack of negative labor issues will be preferred, as will respondents that can show a likelihood of harmonious labor relations in this concession.

3. Proposed Capital Investment, Improvements and Design
   - Proposers should submit a detailed timetable describing all design, improvements and capital work. This timetable should clearly outline all intended improvements and investments, the projected cost of these improvements, and the anticipated duration of each improvement. The timetable may use "phases" as a schedule. For example, Phase One could include any necessary demolition and removals while Phase Two could include finishes, fixtures and interior decor. An approximate time frame for each phase should be included.

- Parks will view favorably proposers whose construction plans would allow the facility to open in 2013.

- Proposers should submit a plan describing the extent to which proposed capital improvements and investments will take into account environmental considerations.

- Proposers should submit detailed designs of the interior of the Licensed Premises, including dimensions, floor plans, renderings and any other visual materials that will communicate the concept envisioned by the proposer. All final designs of the successful proposer must be approved by Parks and other pertinent agencies in writing before construction can commence.

- Parks will view favorably proposals that include "green building" design elements and encourages the use of environmentally friendly products for all repairs and capital improvements.

4. Fee Offer
   - The fee offer should state the highest sum each proposer is prepared to pay as a License fee, expressed as a 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.

5. Financial Capability
   - Proposers should include a financial statement or statements prepared in accordance with standard accounting procedures. Financial statements should include, but are not limited to, annual income and net worth (assets and liabilities), including a breakdown of liquid and non-liquid assets. Proposers should include supporting documentation of their financial worth, including but not limited to Certified Financial Statements, Balance Sheets and Income Statements and tax returns from the past three (3) years (corporate and/or personal).

   - Proposers should identify the intended source of all funds proposed to be invested in the Licensed Premises.

PLEASE NOTE: All proposals should indicate how the proposer became aware of this concession opportunity (e.g. newspaper ad; mailing list, Parks website, etc).

VI. EVALUATION AND SELECTION PROCEDURES

Proposals will be evaluated by a selection committee composed of a minimum of three (3) Parks employees or Parks and other City employees and, possibly, independent (non-government employed) professionals with relevant expertise, 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, the Selection Committee members will use the following criteria:

- Planned Operations: See Section V (C) (1) (25%)
- Operating Experience: See Section V (C) (2) (20%)
- Proposed Capital Investment, Improvements and Designs Submitted: See Section V (C) (3)(20%)
- Fee Offer: See Section V (C) (4) (20%)
- Financial Capability: See Section V (C) (5) (15%)

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' 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 existing facilities operated by proposers.

VII. OTHER GENERAL RFP REQUIREMENTS AND GUIDELINES

Park reserves the right to postpone or cancel this RFP or reject all proposals, if in its judgment 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 discussions or negotiations. Therefore, proposers should submit their best proposals initially, since discussions or negotiations may not take place.

Proposers are also advised that the award of this concession is subject to applicable provisions of federal, State, and local laws and executive orders requiring affirmative action and equal employment opportunity.

Proposers have the right to appeal a determination of non-responsiveness and/or non-responsibility and have the right to protest a solicitation and award as specified in Chapter 1 of Title 12 of the Rules of the City of New York.

All RFP 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 reimburse licensee's unamortized capital improvement costs.

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, except as provided for in Section 1-13(j)(2)(i) of the Concession Rules. Proposers may withdraw their proposals from consideration at any time before the proposal submission deadline by submitting written notice to Parks. A proposer may not withdraw its proposal before the expiration of forty-five (45) calendar days after the date of the opening of proposals; thereafter a proposer may only withdraw its proposal by submitting written notice to Parks in advance of an actual grant of a concession.

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.

Proposers should be aware that, upon Parks' request, proposer(s) will be required to submit original copies of VENDEX Vendor and Principal Questionnaires to the Mayor's Office of Contract Services. In addition, any person or entity with at least a 10% ownership interest in the submitting vendor (including a parent company), is required to complete VENDEX Questionnaires (Principal Questionnaire for any person and Vendor Questionnaire for any entity with at least a 10% ownership interest in the submitting vendor). The concession award will be subject to completion of the VENDEX questionnaires and review of certain information contained therein by the Department of Investigation.

The New York City Comptroller is charged with the audit of concession agreements in New York City. Any person or entity that believes that there has been unfairness, favoritism or impropriety in the

proposal process should inform the Comptroller's Office of Contract Administration, 1 Centre Street, Room 835, New York, New York 10007. This office may be reached at (212) 669-2323.

Adrian Benepe,
Commissioner

Exhibit A: Floor plan

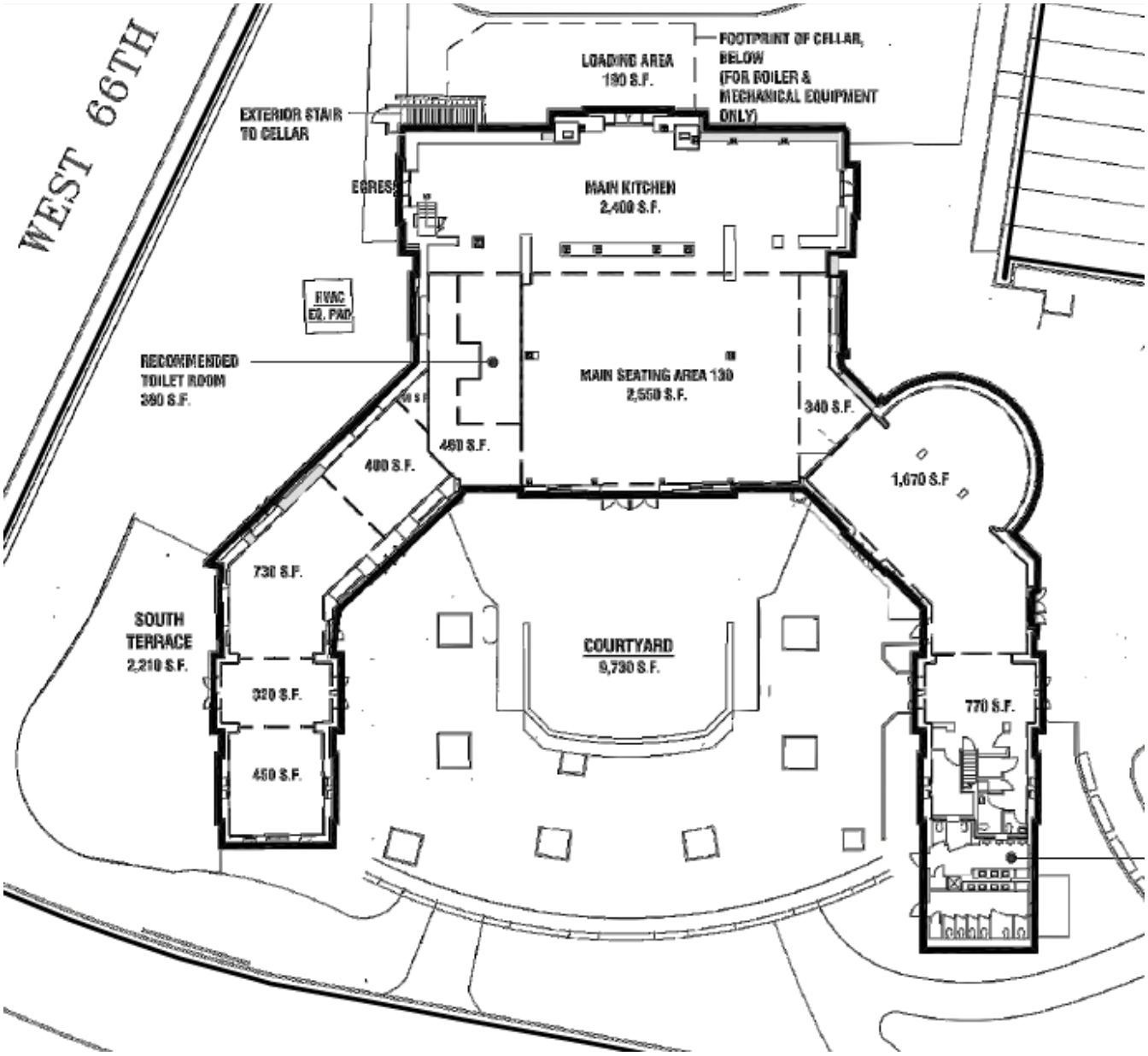
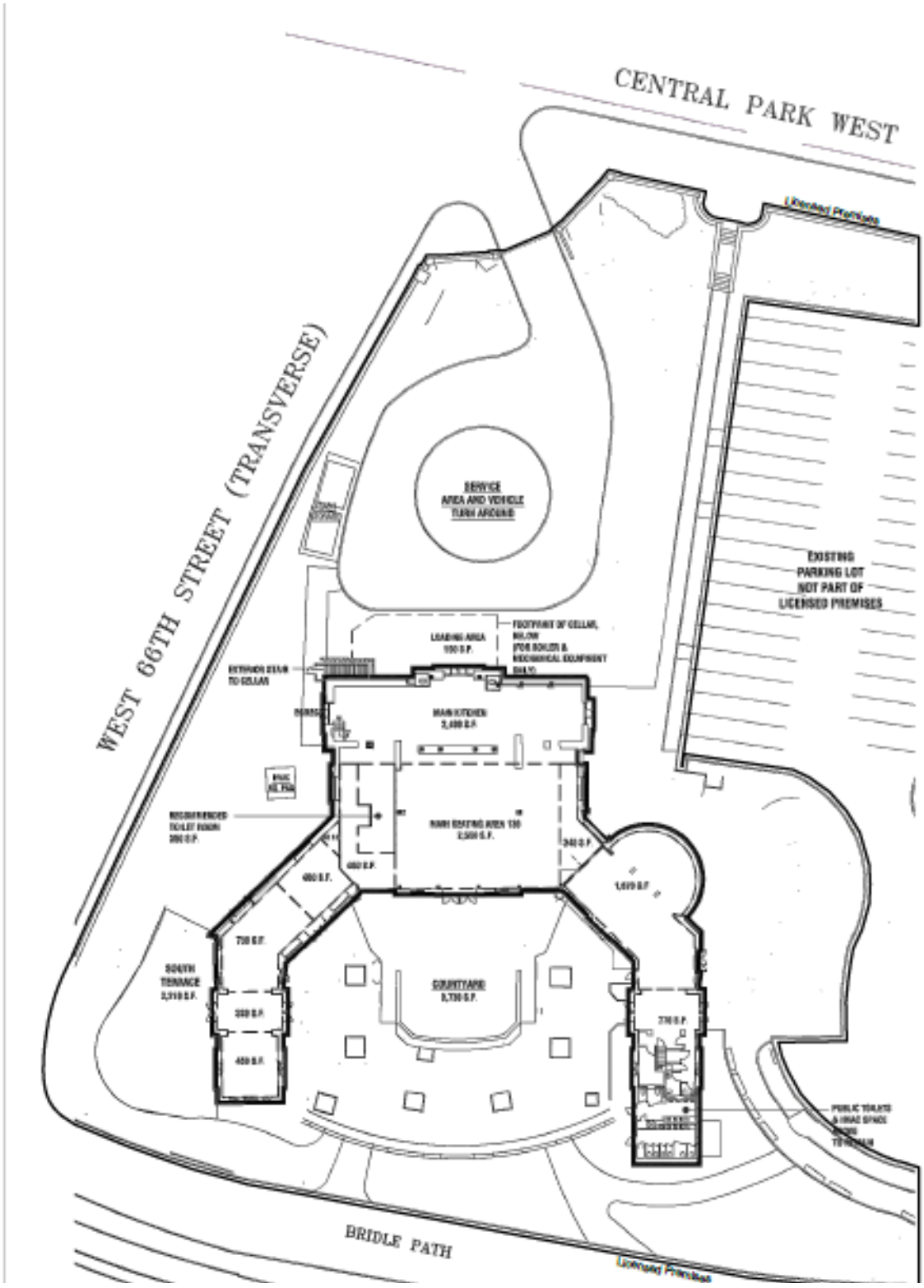


Exhibit B: Map of Licensed Premises



The City of New York
Mayor's Office of Contract Services
Doing Business Accountability Project

Doing Business Data Form

To be completed by the City Agency prior to distribution

Agency: _____ **Transaction ID:** _____

Check One:	**Transaction Type (check one):**		
☐ **Proposal**	☐ **Concession**	☐ **Contract**	☐ **Economic Development Agreement**
☐ **Award**	☐ **Franchise**	☐ **Grant**	☐ **Pension Investment Contract**

Any entity receiving, applying for or proposing on an award or agreement must complete a Doing Business Data Form (see Q&A sheet for more information). Please either type responses directly into this fillable form or print answers by hand in black ink, and be sure to fill out the certification box on the last page. **Submission of a complete and accurate form is required for a proposal to be considered responsive or for any entity to receive an award or enter into an agreement.**

This Data Form requires information to be provided on principal officers, owners and senior managers. The name, employer and title of each person identified on the Data Form will be included in a public database of people who do business with the City of New York; no other information reported on this form will be disclosed to the public. **This Data Form is not related to the City's VENDEX requirements.**

Please return the completed Data Form to the City Agency that supplied it. Please contact the Doing Business Accountability Project at DoingBusiness@cityhall.nyc.gov or 212-788-8104 with any questions regarding this Data Form. Thank you for your cooperation.

Section 1: Entity Information

Entity Name: _____

Entity EIN/TIN: _____

Entity Filing Status (select one):

☐ Entity has never completed a Doing Business Data Form. *Fill out the entire form.*

☐ Change from previous Data Form dated _____. *Fill out only those sections that have changed, and indicate the name of the persons who no longer hold positions with the entity.*

☐ No Change from previous Data Form dated _____. *Skip to the bottom of the last page.*

Entity is a Non-Profit: ☐ Yes ☐ No

Entity Type: ☐ Corporation (any type) ☐ Joint Venture ☐ LLC ☐ Partnership (any type)
☐ Sole Proprietor ☐ Other (specify): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone : _____ Fax : _____

E-mail: _____

Provide your e-mail address and/or fax number in order to receive notices regarding this form by e-mail or fax.

Section 2: Principal Officers

Please fill in the required identification information for each officer listed below. If the entity has no such officer or its equivalent, please check "This position does not exist." If the entity is filing a Change Form and the person listed is replacing someone who was previously disclosed, please check "This person replaced..." and fill in the name of the person being replaced so his/her name can be removed from the *Doing Business Database*, and indicate the date that the change became effective.

Chief Executive Officer (CEO) or equivalent officer

☐ This position does not exist

The highest ranking officer or manager, such as the President, Executive Director, Sole Proprietor or Chairperson of the Board.

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

Birth Date (mm/dd/yy): _____ Home Phone #: _____

Home Address: _____

☐ This person replaced former CEO: _____ on date: _____

Chief Financial Officer (CFO) or equivalent officer

☐ This position does not exist

The highest ranking financial officer, such as the Treasurer, Comptroller, Financial Director or VP for Finance.

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

Birth Date (mm/dd/yy): _____ Home Phone #: _____

Home Address: _____

☐ This person replaced former CFO: _____ on date: _____

Chief Operating Officer (COO) or equivalent officer

☐ This position does not exist

The highest ranking operational officer, such as the Chief Planning Officer, Director of Operations or VP for Operations.

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

Birth Date (mm/dd/yy): _____ Home Phone #: _____

Home Address: _____

☐ This person replaced former COO: _____ on date: _____

Section 3: Principal Owners

Please fill in the required identification information for all individuals who, through stock shares, partnership agreements or other means, **own or control 10% or more of the entity**. If no individual owners exist, please check the appropriate box to indicate why and skip to the next page. If the entity is owned by other companies, those companies do **not** need to be listed. If an owner was identified on the previous page, fill in his/her name and write "See above." If the entity is filing a Change Form, list any individuals who are no longer owners at the bottom of this page. If more space is needed, attach additional pages labeled "Additional Owners."

There are no owners listed because (select one):

☐ The entity is not-for-profit ☐ There are no individual owners ☐ No individual owner holds 10% or more shares in the entity

☐ Other (explain): _____

Principal Owners (who own or control 10% or more of the entity):

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

Birth Date (mm/dd/yy): _____ Home Phone #: _____

Home Address: _____

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

Birth Date (mm/dd/yy): _____ Home Phone #: _____

Home Address: _____

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

Birth Date (mm/dd/yy): _____ Home Phone #: _____

Home Address: _____

Remove the following previously-reported Principal Owners:

Name: _____ Removal Date: _____

Name: _____ Removal Date: _____

Name: _____ Removal Date: _____

Section 4: Senior Managers

Please fill in the required identification information for all senior managers who oversee any of the entity's relevant transactions with the City (e.g., contract managers if this form is for a contract award/proposal, grant managers if for a grant, etc.). Senior managers include anyone who, either by title or duties, has substantial discretion and high-level oversight regarding the solicitation, letting or administration of any transaction with the City. **At least one senior manager must be listed, or the Data Form will be considered incomplete.** If a senior manager has been identified on a previous page, fill in his/her name and write "See above." If the entity is filing a Change Form, list individuals who are no longer senior managers at the bottom of this section. If more space is needed, attach additional pages labeled "Additional Senior Managers."

Senior Managers:

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

Birth Date (mm/dd/yy): _____ Home Phone #: _____

Home Address: _____

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

Birth Date (mm/dd/yy): _____ Home Phone #: _____

Home Address: _____

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

Birth Date (mm/dd/yy): _____ Home Phone #: _____

Home Address: _____

Remove the following previously-reported Senior Managers:

Name: _____ Removal Date: _____

Name: _____ Removal Date: _____

Certification

I certify that the information submitted on these four pages and _____ additional pages is accurate and complete. I understand that willful or fraudulent submission of a materially false statement may result in the entity being found non-responsible and therefore denied future City awards.

Name: _____

Signature: _____ Date: _____

Entity Name: _____

Title: _____ Work Phone #: _____

Return the completed Data Form to the agency that supplied it.

For information or assistance, call the Doing Business Accountability Project at 212-788-8104.



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DOING BUSINESS ACCOUNTABILITY PROJECT

QUESTIONS AND ANSWERS ABOUT THE DOING BUSINESS DATA FORM

What is the purpose of this *Data Form*?

To collect accurate, up-to-date identification information about entities that have business dealings with the City of New York in order to comply with Local Law 34 of 2007 (LL 34), the recently passed campaign finance reform law. LL 34 limits municipal campaign contributions from principal officers, owners and senior managers of these entities and mandates the creation of a *Doing Business Database* to allow the City to enforce the law. The information requested in this *Data Form* must be provided, regardless of whether the entity or the people associated with it make or intend to make campaign contributions. No sensitive personal information collected will be disclosed to the public.

Why have I received this *Data Form*?

The contract, franchise, concession, grant or economic development agreement you are proposing on, applying for or have already been awarded is considered a business dealing with the City under LL 34. No proposal or application will be considered and no award will be made unless this *Data Form* is completed. Most transactions valued at more than $5,000 are considered business dealings and require completion of the *Data Form*. Exceptions include transactions awarded on an emergency basis or by publicly advertised, non-pre-qualified competitive sealed bid. Other types of transactions that are considered business dealings include real property and land use actions with the City.

What entities will be included in the *Doing Business Database*?

Entities that hold $100,000 or more in grants, contracts for goods or services, franchises or concessions ($500,000 or more for construction contracts), along with entities that hold any economic development agreements or pension fund investment contracts, are considered to be doing business with the City for the purposes of LL 34 and will be included in the *Doing Business Database*. Because all of the business that an entity does or proposes to do with the City will be added together, the *Data Form* must be completed for all covered transactions even if an entity does not currently do enough business with the City to be listed in the *Database*.

What individuals will be included in the *Doing Business Database*?

The principal officers, owners and certain senior managers of entities listed in the *Doing Business Database* are themselves considered to be doing business with the City and will also be included in the *Database*.

- **Principal Officers** are the Chief Executive Officer (CEO), Chief Financial Officer (CFO) and Chief Operating Officer (COO), or their functional equivalents. See the *Data Form* for examples of titles that apply.
- **Principal Owners** are individuals who own or control 10% of more of the entity. This includes stockholders, partners and anyone else with an ownership or controlling interest in the entity.
- **Senior Managers** include anyone who, either by job title or actual duties, has substantial discretion and high-level oversight regarding the solicitation, letting or administration of any contract, concession, franchise, grant or economic development agreement with the City. At least one Senior Manager must be listed or the Data Form will be considered incomplete.

I provided some of this information on the VENDEX Questionnaire; do I have to provide it again?

Although the *Doing Business Data Form* and the VENDEX Questionnaire request some of the same information, they serve entirely different purposes. In addition, the *Data Form* requests information concerning senior managers, which is not part of the VENDEX Questionnaire.

My organization is proposing on a contract with another firm as a Joint Venture that does not exist yet; how should the Data Form be completed?

A joint venture that does not yet exist must submit Data Forms from each of its component firms. If the joint venture receives the award, it must then complete a form in the name of the joint venture.

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Will the information on this *Data Form* be available to the public?

The names and titles of the officers, owners and senior managers reported on the *Data Form* will be made available to the public, as will information about the entity itself. However, personal identifying information, such as home address, home phone and date of birth, will not be disclosed to the public, and home address and phone number information will not be used for communication purposes.

No one in my organization plans to contribute to a candidate; do I have to fill out this *Data Form*?

Yes. All entities are required to return this *Data Form* with complete and accurate information, regardless of the history or intention of the entity or its officers, owners or senior managers to make campaign contributions. The *Doing Business Database* must be complete so that the Campaign Finance Board can verify whether future contributions are in compliance with the law.

I have already completed a *Doing Business Data Form*; do I have to submit another one?

Yes. An entity is required to submit a *Doing Business Data Form* each time it proposes on or enters a transaction considered business dealings with the City. However, the *Data Form* has both a No Change option, which only requires an entity to report its EIN and sign the last page, and a Change option, which allows an entity to only fill in applicable information that has changed since the previous completion of the *Data Form*. No entity should have to fill out the entire *Data Form* more than once.

How does a person remove him/herself from the *Doing Business Database*?

Any person who believes that s/he should not be listed may apply for removal from the *Database* by submitting a Request for Removal. Reasons that a person would be removed include his/her no longer being the principal officer, owner or senior manger of the entity, or the entity no longer being in business. Entities may also update their database information by submitting an update form. Both of these forms are available online at www.nyc.gov/mocs (once there, click MOCS Programs) or by calling 212-788-8104.

How long will an entity and its officers, owners and senior managers remain listed on the *Doing Business Database*?

- **Contract, Concession and Economic Development Agreement holders**: generally for the term of the transaction, plus one year.
- **Franchise and Grant holders**: from the commencement or renewal of the transaction, plus one year.
- **Pension investment contracts**: from the time of presentation on an investment opportunity or the submission of a proposal, whichever is earlier, until the end of the contract, plus one year.
- **Line item and discretionary appropriations**: from the date of budget adoption until the end of the contract, plus one year.
- **Contract proposers**: for one year from the proposal date or date of public advertisement of the solicitation, whichever is later.
- **Franchise and Concession proposers**: for one year from the proposal submission date.

For information on other transaction types, contact the Doing Business Accountability Project.

What are the new campaign contribution limits for people doing business with the City?

Contributions to City Council candidates are limited to $250 per election cycle; $320 to Borough President candidates; and $400 to candidates for citywide office. Please contact the NYC Campaign Finance Board for more information at www.nyccfb.info, or 212-306-7100.

The *Data Form* is to be returned to the contracting agency.

If you have any questions about the *Data Form* please contact the Doing Business Accountability Project at 212-788-8104 or DoingBusiness@cityhall.nyc.gov.

5/16/08