

Solicitation # Q162-O/Q163-O

Request for Proposals

**FOR THE OPERATION OF VARIOUS CONCESSIONS ON THE
ROCKAWAY BEACH BOARDWALK,
QUEENS**

Issue Date

January 23, 2002

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

REQUEST FOR PROPOSALS

FOR THE OPERATION OF VARIOUS CONCESSIONS ON THE ROCKAWAY BEACH BOARDWALK, QUEENS.

City of New York Parks & Recreation requests proposals for the operation of various concessions, including concession buildings, a parking lot, pushcarts, mobile trucks or removable kiosks, and beach walkers on the Rockaway Beach Boardwalk, Queens. The concessionaire will be permitted to sell food and beach supplies, and rent beach umbrellas and beach chairs. Parks is seeking proposers to operate these concessions as described below. These concessions are available for a five (5) year term.

Parks is offering *two separate licenses* for concessions at Rockaway Beach:

1. **Q162-O-** for the operation of a concession building, a parking lot, pushcarts along the boardwalk, mobile trucks and/or removable kiosks near boardwalk entrance ramps, and beach walkers between **Beach 9 Street and Beach 40 Street**.
2. **Q163-O-** for the operation of three concession buildings, pushcarts along the boardwalk, mobile trucks and/or removable kiosks near boardwalk entrance ramps, and beach walkers between **Beach 41 Street and Beach 149 Street**.

Proposers are invited to submit proposals for either or both of these concessions.

PROJECT MANAGER

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

REQUEST FOR PROPOSALS TIMETABLE

The following schedule has been established for the RFP for the operation of various concessions on the Rockaway Beach Boardwalk, Queens. This schedule is subject to change as circumstances warrant.

RFP Release Date: January 23, 2002

Proposer Meeting & Site Tour: Wednesday, February 27, 2002 @ 11am
in front of Beach 86th Street concession building

Proposals Due:

Thursday, March 7, 2002 @ 3pm



Note: If you have a physical disability which would prevent you from attending the proposer meeting and site tour, and/or delivering your proposal to the Arsenal, please contact the project manager at least 48 hours prior to the meeting date and/or the submission deadline so that special arrangements can be made to accommodate you.

THE CONCESSION

Rockaway Beach is New York City's largest beachfront property, extending 6.4 miles along the Atlantic Ocean. The boardwalk extends from Beach 9 Street to Beach 108 Street. Each year, millions of people visit Rockaway Beach.

NYC Parks & Recreation is offering the following concessions at this site:

◆ **Property # Q162-O: All concessions located between Beach 9 Street and Beach 40 Street**

At Beach 17 Street, there is a concession building that opens onto the boardwalk. Tables may be placed outside this buildings to form an outdoor eating area. Between Beach 9 Street and Beach 14 Street, there is a 550-space parking lot, at which the concessionaire will be permitted to charge for parking (offering a discounted rate for senior citizens). In addition to these concessions, the concessionaire will be permitted to operate mobile trucks or removable kiosks near entrance ramps to the boardwalk, non-motorized pushcarts for the sale of food and ice cream along the boardwalk, and beach walkers (individuals walking along the sand selling food and beach supplies). The concessionaire may also operate a beach supply concession, an umbrella concession, and a chair rental concession. The number and exact locations of all mobile concessions will be subject to Parks' approval.

◆ **Property # Q163-O: All concessions located between Beach 41 Street and Beach 149 Street**

At Beach 86 Street, Beach 97 Street, and Beach 106 Street, there are concession buildings that open onto the boardwalk. Tables may be placed outside these buildings to form an outdoor eating area. In addition to these concession buildings, the concessionaire will be permitted to operate mobile trucks or removable kiosks near entrance ramps to the boardwalk, non-motorized pushcarts for the sale of food and ice cream, and beach walkers (individuals walking along the sand selling food and beach supplies). The concessionaire may also operate a beach supply concession, an umbrella concession, and a chair rental concession. The number and exact locations of all mobile concessions will be subject to Parks' approval.

Each year, Rockaway Beach is open to the public between Memorial Day and Labor Day. During this operating season, all concessions must be open seven days per week. Menus should offer

breakfast, lunch, and dinner items. Parks & Recreation seeks a concessionaire who will provide a variety of foods at these concessions.

CAPITAL INVESTMENT AND EXPANSION

Parks anticipates that these concessions will involve a moderate amount of capital investment. The concessionaires must supply all non-motorized pushcarts, mobile trucks or removable kiosks, and equipment for the beach walkers. The concessionaires must also provide all equipment necessary for the operation of the concession buildings. The concessionaires will be responsible for all utility costs, including construction and installation costs. In addition, the concessionaires must provide tables, chairs or benches, and umbrellas for indoor and outdoor eating areas. At the beginning of each operating season, the concessionaires must clean, paint, and repair the concession buildings, the parking lot, and all other equipment, according to Parks' specifications. At that time, Parks will inspect all concessions, and the concessionaire will be required to perform any additional work deemed necessary by Parks.

All kiosks, mobile trucks, and pushcarts must be uniform in size, design, color, etc. Proposers should include as part of their submission sketches and/or photographs of the kiosks, pushcarts, and mobile trucks they would use as part of this concession. If the concessionaire/s opt to use kiosks, these kiosks must be mobile and removable, so that they may be removed and stored during the winter months. Kiosks must be equipped with filters and ventilation systems to prevent the emission of smoke. Please note the following items with regard to the design and color of mobile concessions:

- ◆ All umbrellas and awnings must be green and white
- ◆ Prices must be displayed at all concession sites
- ◆ Advertising will not be permitted without the express written consent of Parks & Recreation
- ◆ All designs must be approved by Parks & Recreation

THE TERM

The terms for these concessions will be five (5) years each. No longer terms will be considered. These concessions will be operated pursuant to a license issued by Parks; no leaseholds or other proprietary rights are offered.

REQUIREMENTS DURING THE TERM OF THE LICENSE

1. The successful proposer will be responsible for obtaining any and all necessary approvals, permits and licenses for the construction and lawful operation of this concession. In addition to a Parks permit, the concessionaire must obtain the necessary license/s from the New York City Department of Health. If you are a new vendor with the City, please be aware that this process takes between six and eight weeks. You will not be permitted to apply for a Health Department license until you have obtained a Parks permit for this concession. If you operate without the necessary permits, you may be subject to fines and/or confiscation of

your merchandise and vending unit. Proposers should contact the Department of Health at 42 Broadway for further information.

2. The concessionaire will be required to remove all rubbish generated by this concession. The concessionaire will be responsible for the area within 100 feet of the concession buildings and the area within 50 feet of all pushcart and mobile truck locations. The concessionaire will also be responsible for maintaining the public bathrooms at the site. These bathrooms must be open daily, and must be cleaned on a regular schedule approved by Parks. Therefore, proposers should indicate what their cleaning schedule will be.
3. The concessionaire will be obligated to supply all equipment necessary for the operation of this concession. All fixed equipment becomes the property of Parks upon installation, at Parks' option. If, upon expiration of the license term, Parks chooses not to exercise this option, it will be the responsibility of the concessionaire to remove fixed equipment and return the licensed premises to Parks in a condition as good as or better than that at the commencement of the license term.
4. All pushcarts, mobile trucks, and kiosks must be uniform in size, color, design, etc. The design and exact location of these concessions will be subject to Parks' approval.
5. The concessionaire and all employees of the concessionaire must wear uniforms of a design and color approved by Parks & Recreation.
6. All menus, prices, and any increases or changes in the above must be approved by Parks. **No glass bottles or beverages in glass bottles may be sold.** The concessionaire must offer a reduced parking rate for senior citizens (i.e., persons over 65, with ID). Menus, prices, and parking rates must be framed and displayed, at the concessionaire's expense, in a place and manner designated and approved by Parks.
7. The concessionaire will be permitted to rent beach items (e.g., umbrellas, chairs, lounges). All rental items, rental fees, and any changes or increases in the above must be approved by Parks. Therefore, a rental price list should be included with the proposal if the concessionaire would like to operate a rental service.
8. The concessionaire must make all improvements and repairs deemed necessary by Parks. The concessionaire must detail all improvements and repairs necessary for the operation of these facilities, and the estimated cost of these improvements. Designs submitted are subject to Parks' approval and become the property of Parks upon submission.
9. The concessionaire will be required to carry at least \$1,000,000 in general liability insurance coverage, \$1,000,000 in property damage liability, and replacement value in fire and casualty coverage with NYC Parks & Recreation named as an Additional Insured.
10. The concessionaire will be responsible for any and all utility costs connected with the operation of this concession. This includes but is not limited to installing all necessary

utilities, service lines, conduits, water meters, pipes, etc. The concessionaire will be required to remove any unsuitable existing materials as required. Parks & Recreation makes no representations that there are adequate utilities currently in place at the site.

11. The concessionaire will be responsible for maintaining total security within the facility and the immediate surrounding area.
12. A security deposit of at least 25% of the highest year's guaranteed minimum license fee will be required for the duration of the term.
13. The concessionaire will be required to submit monthly statements of gross receipts in a format approved by Parks & Recreation.
14. The concessionaire is responsible for the payment of all applicable taxes for the operation of this concession. No taxes, including but not limited to Commercial Rent Tax, may be deducted from gross receipts.
15. The selling and/or advertisement of cigarettes, cigars, or any other tobacco products is strictly prohibited. It is the concessionaire's responsibility to adhere to and enforce this policy.
16. The sale of water guns or any water shooting devices is strictly prohibited.
17. The sale of hard liquor or bottled beer is strictly prohibited. The concessionaire will be permitted to sell beer and wine coolers decanted into paper cups. The concessionaire will be required to submit a policy on public drunkenness which includes provisions for maintaining security. If the concessionaire does not submit such a policy, or if the policy submitted is unacceptable to Parks & Recreation, Parks retains the right to forbid the sale of alcoholic beverages. If Parks encounters problems with the concessionaire's sale of alcohol during the operating season, Parks retains the right to discontinue sales indefinitely.
18. The concessionaire will comply with all City, state and federal laws relating to access for people with disabilities.
19. Concessionaires are expected to comply with all terms of their license agreements. Inspectors from Parks will visit the concession site unannounced to inspect your operations and determine whether or not you are complying with the terms of your license. If inspectors find violations, you may be fined for each violation. If you do not pay such fines, they will be deducted from the security deposit held by Parks.

THE RFP PROCESS/PROPOSAL PROCEDURE

A. Proposal Submission Instructions

All proposals **must** meet the requirements listed in section B below, "Proposal Submission

Requirements,” and should comply with all the items listed below in section C below, “Proposal Submission Guidelines.” Proposals should be printed or typed on one side of 8½” x 11” paper. There is no page limit for proposals, but proposers are encouraged to use discretion in the amount of information submitted. The proposal, the proposal deposit, and any additional information should be submitted in a sealed envelope with the following information written on the outside:

- ◆ Your name and address
- ◆ Solicitation # Q162 - O (Beach 9 Street to Beach 40 Street)
Q163 - O (Beach 41 Street to Beach 149 Street)
- ◆ The words “Rockaway Beach Boardwalk”
- ◆ Due March 7, 2002 @ 3pm

No proposals should be submitted in plastic sleeves or spiral bindings. Illustrations may be included. All plans are subject to Parks’ approval. Oversized drawings may be submitted, but must be accompanied by 8½” x 11” sectionals or reductions to 8½” x 11”. No telegraphic or facsimile proposals will be accepted.

Please contact the project manager to obtain the necessary business questionnaires (listed below in the “Submission Guidelines” section), and submit three (3) completed copies of each questionnaire as part of your proposal submission.

B. Proposal Submission Requirements

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

1. All proposals must include a fee offer.
2. The proposer must submit his or her proposal in a sealed envelope to the Assistant Commissioner for Revenue, NYC Parks & Recreation, The Arsenal, Room 407, Central Park, New York, New York 10021, **no later than Thursday, March 7, 2002, at 3PM. No proposals will be accepted after that time.** Proposals received after the submission deadline above will be returned and will not be considered for award. In order to ensure that your submission is considered, Parks recommends that proposals be hand-delivered to the Arsenal, Room 407 at least one or two days before the submission deadline
3. All proposers are required to submit a certified check or money order in the amount of \$2,500.00 (two thousand five hundred dollars) with each proposal. These certified checks or money orders should be made payable to NYC Parks & Recreation. The check of the successful proposer will be retained as liquidated damages in the event that this proposer fails to enter into an agreement with Parks & Recreation. All other checks will be returned.

C. Proposal Submission Guidelines

1. The fee offer must state the highest sum each proposer is prepared to pay as a license fee, expressed as a guaranteed minimum annual fee versus a percentage (%) of gross receipts. The City expects an escalation of at least 5% in each successive year's guaranteed annual minimum license fee over the term of license.
2. Proposers should submit completed copies of Parks' business questionnaires (Business, Business Entity, Principal, and Personal Questionnaires) and VENDEX questionnaires (Business Entity and Principal Questionnaires), which may be obtained by contacting the project manager.
3. Proposers should submit a resume or detailed description of professional qualifications. Please highlight any previous experience working for City agencies or City regulatory agencies, and the extent to which you have been able to accommodate City procedures. Proposals should include the names and addresses of all corporate officers of the entity submitting the proposal.
4. All prices, rental fees, and suggested menu, inventory and rental items should be included with the proposal. All prices are subject to Parks' approval. Parks will view favorably proposals which offer a good variety of menu items, inventory items, and rental items.
5. Proposers should include as part of their submissions sketches and/or photographs of the pushcarts, mobile trucks, and/or removable kiosks they would place at this concession, and the uniforms which employees would wear. In addition, please include proposed locations for mobile concessions.
6. Proposers should submit an estimated number of full-time and seasonal employees, the positions these employees will fill, and the percentage of these employees that they expect to hire from the local community. Parks will view favorably proposals that will employ members of the local community.
7. All proposers should include a detailed, well thought out pro forma income and expense projection for each year of operation. This pro forma should include explanations for all of the assumptions used in its formulation.
8. All proposals should include a financial statement prepared in accordance with standard accounting procedures.
9. NYC Parks & Recreation is charged with improving customer satisfaction with the services provided at all facilities on Parks property. Therefore, Parks would like proposers to explain in their submissions the mechanisms they would use to measure customer satisfaction with the services offered as part of 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.

D. Evaluation and Selection Procedure

The proposals will be evaluated by a Parks & Recreation selection committee, in accordance with procedures established by the Franchise and Concession Review Committee, based on the criteria indicated below. The concession will be awarded to the proposer whose submission the selection committee judges best overall based on these criteria.

1. Proposal Evaluation Criteria

In evaluating proposals, Parks & Recreation will use the following criteria:

- ◆ Fee offer
- ◆ Proposed operations, including hours of operation, fees and prices, inventory items, pro-forma income and expense projection, clean-up schedule, and programs that will benefit the surrounding community
- ◆ Menu quality, variety, and affordability
- ◆ Proposed capital improvements, repairs, and designs submitted
- ◆ Operating experience in the field, including experience as a city concessionaire
- ◆ Financial capability (as indicated by financial statement and business questionnaires)

2. Evaluation Procedures

Parks & Recreation will only consider proposals that meet satisfactory levels of the above criteria. The City is not required to accept the proposal that includes the highest fee offer. Parks' acceptance of a proposal does not imply that every element of that proposal has been accepted.

Parks & Recreation cannot consider any proposal which does not comply with the "Submission Requirements" section of this RFP. Proposals which do not meet these requirements will not be evaluated.

E. Other General RFP Requirements and Conditions

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

All Request for Proposals submission material becomes the property of the City of New York and Parks & Recreation. Proposal submission material will generally be made available for inspection and copying by interested parties, upon written request, except when exempted from disclosure under the New York State Freedom of Information Law.

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

NYC Parks & Recreation is subject to the New York State Freedom of Information Law, which governs the process for the public disclosure of certain records maintained by Parks. (*See Public Officers Law, Sections 87 and 89.*) Individuals or firms that submit proposals to Parks may request that Parks except all or part of such proposal from public disclosure, pursuant to Section 87 (2)(d) of the Public Officers Law, on the grounds that the proposal contains trade secrets, proprietary information, or that the information, if disclosed, would cause substantial injury to the competitive position of the individual or firm submitting the information. Such exception may extend to information contained in the request itself, if public disclosure would defeat the purpose for which the exception is sought. The request for such an exception must be in writing and state, in detail, the specific reasons for the requested exception. It must also specify the proposal or portions thereof for which the exception is requested.

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

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

A proposer may submit a modified proposal to replace all or any portion of a proposal submitted up until the proposal submission deadline. The project manager will only consider the latest version of the proposal. Late proposals and late modifications will not be considered for evaluation. Proposers may withdraw their proposal from consideration at any time before the proposal deadline. To withdraw a proposal, the proposer must provide Parks with written notification.

Technical addenda issued by NYC Parks & Recreation will be the only authorized method for communicating clarificatory information to all potential vendors. Proposers should contact the agency prior to submission of proposals to verify that any addenda issued have been received and proposers are to acknowledge the receipt of all addenda as part of their proposals.

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