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Speaker Pro Tempore
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Request for Bids

For the Operation of Concessions for the Sale of Food from Mobile Food Units at Various Parks Citywide

ISSUE DATE: December 18, 2019

SOLICITATION # CWB-2020-A

City of New York Parks & Recreation

www.nyc.gov/parks

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Mayor Of The City Of New York

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Borough Commissioner For Queens Parks

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Borough Commissioner For Staten Island Parks



NYC Parks

The City of New York Department of Parks & Recreation (“Parks”) requests bids for the operation of concessions for the sale of food from Mobile Food Units at various parks citywide.

THE TERM

Parks is seeking concessionaires for one (1) five-year (5-year) term according to the schedule below. If the effective date is after January 1, 2020, the annual flat fee will be prorated accordingly to account for the period between January 1, 2020 and the effective date during which time the concessionaire will not be permitted to operate. A longer term will not be considered. These concessions will be operated pursuant to Permit Agreement(s) (“Permit(s)”) issued by Parks; no leasehold or other proprietary right is offered. Permits will be effective upon written Notice to Proceed from Parks and shall expire December 31, 2024. The years offered are defined as follows:

- Year 1:** January 1, 2020 through December 31, 2020
- Year 2:** January 1, 2021 through December 31, 2021
- Year 3:** January 1, 2022 through December 31, 2022
- Year 4:** January 1, 2023 through December 31, 2023
- Year 5:** January 1, 2024 through December 31, 2024

PROJECT MANAGERS

The Project Managers for these concessions (and the Borough each represents) are:

<u>Project Manager:</u>	<u>Borough:</u>	<u>Email:</u>
Glenn Kaalund	Manhattan	Glenn.Kaalund@parks.nyc.gov
Andrew Coppola	Brooklyn	Andrew.Coppola@parks.nyc.gov
Sophia Filippone	Queens	Sophia.Filippone@parks.nyc.gov
Angel Williams	Bronx & Staten Island	Angel.Williams@parks.nyc.gov

All Project Managers may also be reached by phone at (212) 360-1397.



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.

RFB TIMETABLE

The following schedule has been established for this RFB:

- RFB Release Date: December 18, 2019**
- Bids Due: January 17, 2020 at 11:00 AM**



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

IMPORTANT NOTICE: BIDDERS ARE REQUIRED TO SUBMIT BID DEPOSITS IN THE AMOUNT OF SEVEN HUNDRED FIFTY DOLLARS (\$750) PER VENDING LOCATION (OR FIVE THOUSAND DOLLARS (\$5,000) PER CENTRAL PARK VENDING LOCATION) WITH THE BID. SEE Section II - Request for Bids Process/Bid Procedure.

I. Project Components

A. OVERVIEW

Parks requests bids for the sale of food from Mobile Food Units at various parks citywide. Approved vending locations and the Mobile Food Unit classifications (if applicable) for each location are specified in **Exhibit A** of this RFB.

For the purposes of this RFB, "Mobile Food Unit" shall be defined as a self-contained service operation, located in a vehicle or a movable stand, self- or otherwise propelled, used to store, prepare, display or sell food intended for individual portion service. Pushcarts, processing carts, and mobile food trucks shall all be considered Mobile Food Units. Concessionaires who are awarded multiple vending locations may employ an individual operator of the Mobile Food Unit at each vending location awarded to them. Individual operators will be responsible, together with the concessionaire, for the obligations applicable to the respective Mobile Food Unit. Each vending location listed in **Exhibit A** of this RFB is hereinafter referred to as the "Premises" or "vending location".

Bidders should note that all mobile food concessionaires are required to successfully complete a course in food protection from the New York City Department of Health and Mental Hygiene ("DOHMH") in order to receive a new or renewed Mobile Food Vendor License, and pass DOHMH inspection to attain a Mobile Food Vending Unit permit prior to operating the concession.

To review all NYC DOHMH rules and regulations on mobile food vending, please visit their website at <https://www1.nyc.gov/assets/doh/downloads/pdf/rii/rules-regs-mfv.pdf>. For information on operating a mobile food concession safely and legally, please review the "What Mobile Food Vendors Should Know" guidebook at <https://www1.nyc.gov/assets/doh/downloads/pdf/rii/regulations-for-mobile-food-vendors.pdf>.

Mobile Food Units

Concessionaires shall be permitted to operate Mobile Food Units in accordance with the following guidelines:

1. Non-Processing Carts

Non-processing carts, referred to as "pushcarts" herein, are manually propelled carts or barrows which are self-contained service operations used to store, prepare, display and serve food intended for individual portion service. Concessionaires must obtain a permit from DOHMH for the preparation and sale of non-potentially hazardous, unpackaged foods; e.g., boiled frankfurters and sausages, soft pretzels, nuts, prepackaged snacks and baked goods. See **Exhibit B** and/or § 6-03 of Chapter 6 of Title 26 of the Rules of the City of New York for additional information.

a. Pushcart – Size and Equipment

Unless otherwise approved by Parks, pushcarts cannot be more than 6 ½ feet long and 3 ½ feet wide including all handles, extensions, and protuberances. If the unit is designed so that the operator stands within the unit, the width of the unit, including its wheels, axles, and other appurtenances may not exceed four (4) feet and six (6) inches. The dimensions for the optional freezer unit for the sale of ice cream cannot exceed nine (9) square feet, or, exceed eighteen (18) square feet at Central Park vending locations; and nut and dried fruit unit cannot exceed nine (9) square feet at all vending locations. See below Subsections (c) and (d) for more information. Concessionaires may not operate both a freezer unit and a nut and dried fruit unit at the concession location at the same time.

PLEASE NOTE: DOHMH has new classifications and requirements related to mobile food vending units. Non-processing pushcarts with current DOHMH permits are exempt from the new regulation until the current DOHMH Mobile Food Vending Permit expires. Existing non-processing pushcarts retrofitted to meet these new requirements must pass a DOHMH pre-Permit inspection before it is returned to operation. A chart of DOHMH requirements may be reviewed in **Exhibit B** of this RFB. New DOHMH regulations require pushcarts to be equipped with waste water tanks.

NOTE: Concessionaires operating Non-Processing Pushcarts will be prohibited from utilizing processing/cooking grills at the Premises. All menu items and prices are subject to Parks’ prior written approval.

b. Pushcart – Menu Items

The following menu is a complete list of items that may be sold at all pushcart vending locations and the **highest prices** that may be charged for these items. Under no circumstances may any concessionaire exceed these maximum prices for the items listed below without Parks’ prior written approval. Other brands of similar products may be sold with Parks’ prior written approval. **At the concessionaire’s discretion, the concessionaire may sell these items at a lower price:**

<u>Menu Item</u>	<u>Maximum Price</u>
Hot dogs (10 to the pound)	\$3.00
Sausage	\$4.00
Pretzels	\$3.00
Pretzel Dogs	\$4.00
Specialty pretzels	\$4.00
Knishes	\$2.00
Empanadas (Pre-processed)	
Chicken, Beef or Vegetable	\$3.00
Pirates Booty (rice/corn puffs)	\$2.00
Churros	\$3.00
Whole Fresh Fruit, one (1) serving (◆)	
Apples	\$1.00
Bananas	\$1.00
Oranges	\$1.00
Pear	\$2.00
Pre-cut Fruit or Fruit Salad, one (1) serving (◆)	
Prepackaged, 4.0 oz. cup	\$2.00
Fresh Fruit Salad, 4.0 oz. cup	\$4.00
Yogurt (5.3 oz. - 7.0 oz.)	\$3.00
Granola Bars/Cereal Bars	\$2.00
Apple chips	\$2.00
Smoothies: Fruit; Vegetable; Yogurt, or Frozen	
<i>(No sugar or artificial sweeteners added)</i>	
Prepackaged 4.2 oz. pouch	\$2.00
Prepackaged 7.0 oz. container	\$3.00
Prepackaged 10.0 oz. container	\$4.00

Soda (12.0 fl. oz.)	\$2.00
Soda (20.0 fl. oz.)	\$3.00
Snapple (20 fl. oz.)	\$3.00
Specialty Soda and Juice (12.0 fl. oz.)	\$3.00
Milk Chillers	\$3.00
Water (16 - 16.9 fl. oz.) †	\$2.00
Water (24 fl. oz.) †	\$3.00
100% Fruit Juice (up to 16 fl. oz.)	\$3.00
Carrot Juice (16.0 fl. oz.)	\$5.00
Green Juice (16.0 fl. oz.)	\$5.00
Iced tea or Lemonade (16.0 fl. oz. to 16.9 fl. oz.)	\$3.00
Seltzer (16.0 fl. oz. to 20.0 fl. oz.)	\$2.00
Milk: Skim, 2%, organic, soy, or rice (8.0 fl. oz.)	\$2.00
Red Bull beverage (8.4 fl. oz.)	\$4.00
Monster (16.0 fl. oz.)	\$3.00
Coconut Water (10.1 fl. oz. to 14 fl. oz.)	\$3.00
Sports Drinks: Gatorade, PowerAde, Vitamin Water, etc. (20 fl. oz.)	\$3.00
Sobe Water (20.0 fl. oz.)	\$3.00
Super C Energy drink	\$1.00
Sparkling Water (20.0 fl. oz.)	\$3.00
San Pellegrino (16.9 fl. oz.)	\$4.00
San Pellegrino Limonata or Aranciata (11.15 fl. oz.)	\$2.00

◆ **One (1) serving size of fruit is equal to 1 medium size whole fruit (medium is defined as the size of a baseball) or ½ cup (4.0 oz.) of chopped fruit (*American Heart Association*).**

† **Concessionaires must only sell or stock 16-16.9 fl. oz. or 24.0 fl. oz. water products at the Premises.**

Note: If the concessionaire wishes to sell a brand other than those listed above or sell an item at a price higher than those listed above, the concessionaire must receive prior written approval from Parks.

c. ***Pushcart – Ice Cream Products***

Each pushcart concessionaire may operate a freezer unit that is no more than nine (9) square feet, or eighteen (18) square feet at Central Park vending locations. The following menu lists the items that may be sold at vending locations where ice cream sales are permitted and the **highest prices** that may be charged for the items. Under no circumstances may any concessionaire exceed these maximum prices for the items listed below without Parks' prior written approval. Other brands of similar products may be sold with Parks' prior written approval. **At the concessionaire's discretion, the concessionaire may sell these items at a lower price:**

1. *Regular brands, including Good Humor, Nestlé's Ice Cream Bars, and other approved brands:*

<u>Item</u>	<u>Maximum Price</u>
Good Humor Ice Cream Bars (Includes Toasted Almond, Strawberry Shortcake, Candy Center Crunch, Chocolate Éclair, Cookies & Cream, Dark & Milk Chocolate Bars)	\$4.00
Good Humor Oreo Bar	\$4.00
Good Humor King Cone	\$4.00
Good Humor Cookie Sandwich	\$4.00
Edy's Dibs	\$3.00
Ice Cream Sandwiches	\$3.00
Nestlé's Toll House Cookie Sandwich	\$4.00

Other approved items:

<u>Item</u>	<u>Maximum Price</u>
Screamers Cookies 'n Cream Cup (10 oz.)	\$4.00
Sponge Bob Bars	\$3.00
Popsicle Shots	\$3.00
Frozen Fruit Bars/Pops	\$3.00
Popsicles\Lifesaver\Fire Cracker	\$2.00
Lick-A-Color	\$3.00
Scooby Doo Push Ups	\$2.00
Nestle Ice Cream Bars	\$2.00
Minute Maid Frozen Lemonade Cup Variety (12 oz.)	\$4.00

2. *Premium brands, including Magnum, Haagen-Dazs and Ben & Jerry's or other approved items:*

<u>Item</u>	<u>Maximum Price</u>
<u>Haagen-Dazs</u> Ice Cream Bars (All Varieties)	\$5.00
Magnum Ice Cream Bars (All Varieties)	\$5.00
Dove Bar	\$4.00
Ben & Jerry's Vanilla Peace Pop	\$4.00
Ben & Jerry's Cherry Garcia Peace Pop	\$4.00

Note: If the concessionaire wishes to sell an item at a price higher than those listed above, the concessionaire must receive prior written approval from Parks.

d. Pushcart – Nut and Dried Fruit Products

NOTE: The concessionaire may substitute the optional freezer unit with a nut and dried fruit unit up to nine (9) square feet, unless otherwise noted. Concessionaires may not operate both a freezer unit and a nut and dried fruit unit at the concession location at the same time.

The following menu is a complete list of items that may be sold at all vending locations where nuts and dried fruit sales are permitted and the **highest prices** that may be charged for these items. Under no circumstances may any concessionaire exceed these maximum prices for the items listed below without Parks' prior written approval. **At the concessionaire's discretion, the concessionaire may sell these items at a lower price:**

<u>Menu Item</u>	<u>Maximum Price</u>
Peanuts	\$3.00
Almonds	\$3.00
Cashews	\$3.00
Pistachios	\$3.00
Mixed nuts	\$3.00
Coconuts	\$3.00
All varieties of dried fruit	\$3.00

Note: All nuts and dried fruit must be sold in 8 oz. bags.

2. Processing Carts & Processing Mobile Trucks

Unless otherwise approved, Processing Carts and Processing Mobile Trucks are Mobile Food Units for the sale of foods or ice cream products that require processing, such as cooking or any other treatment such as slicing, mixing, packaging, or any other alteration that exposes the food to possible contamination. This definition does not include the boiling of hot dogs or heating of pretzels.

a. Processing Carts & Processing Mobile Trucks - Size and Equipment

Unless otherwise approved, Processing Carts cannot be more than ten feet (10') in length and five feet (5') in width including all handles and extensions. Processing Pushcarts with current DOHMH permits are exempt from the new regulation until the current DOHMH permit expires. Existing Processing Pushcarts adapted to meet new guidelines must pass a DOHMH pre-permit inspection before it is returned to operation.

Concessionaires that use twenty pound (20 lb.) or greater propane tank(s) to fuel grills on a Mobile Food Unit are required to obtain a Certificate of Fitness license from the New York City Fire Department (FDNY). Such propane tank(s) must be inspected and decalated by FDNY before use at the vending location. Violators will be subject to fines and confiscation of propane tanks.

b. Processing Carts & Processing Mobile Trucks – Menu Items

Bidders who plan to bid on a vending location that is designated as a Processing Cart or Processing Mobile Truck vending location should be sure to include a proposed menu with a price list in their bid submission. All menu items to be sold at a Processing Cart or Processing Mobile Truck vending location and their prices are subject to Parks' prior written approval. Parks strongly encourages concessionaires to incorporate healthy food options and diverse food items on the menu list, which may include, but are not limited to, salads, fresh fruit, yogurt, water, and fruit juices. Generally, menu items may include, but are not limited to, hamburgers, empanadas, chicken, gyros, knishes, chips, soft drinks, candy, breakfast items, sandwiches, and other food items.

B. GENERAL REQUIREMENTS FOR ALL MOBILE FOOD UNITS

Determination of Non-Responsibility

Concessions shall be awarded to responsible prospective concessionaires only. A prospective concessionaire that has performed unsatisfactorily shall be presumed to be non-responsible, unless Parks determines that the circumstances were beyond the prospective concessionaire's control or that the prospective concessionaire has

taken appropriate corrective action. Past failure to apply sufficient tenacity and perseverance to perform acceptably is strong evidence of non-responsibility.

DOHMH Information

In addition to a Parks Permit, every participating food concessionaire must obtain 1) a DOHMH Mobile Food Vending Unit permit for the concessionaire's Mobile Food Unit and 2) a DOHMH Vendor License for each person designated as an operator of the Mobile Food Unit. Please note that only a DOHMH licensed mobile food concessionaire may apply for a Mobile Food Vending Unit permit. Both a valid DOHMH license and permit must be submitted to Parks before a proposed concessionaire can operate the Mobile Food Unit.

To obtain a DOHMH license or permit, contact the New York City Licensing Department, 42 Broadway, 5th floor, on Monday, Tuesday, Thursday, Friday from 9:00 a.m. to 5:00 p.m., on Wednesday from 8:30 a.m. to 5:00 p.m., by phone at 311 or www.nyc.gov/health. Note: Offices are closed during City/Public Holidays. Concessionaires should be aware that if they are applying for a DOHMH license for the first time, the process can take six (6) weeks or more. Concessionaires operating without all necessary permits may be subject to fines and/or confiscation of merchandise and vending unit(s).

DOHMH Vendor License

All persons designated as a Mobile Food Vending Unit operator must have a valid DOHMH Vendor License in order to operate. All mobile food concessionaires are required to successfully complete a DOHMH course in food protection to receive a new or renewed DOHMH food vendor license.

DOHMH Mobile Food Vending Unit Permit

All Mobile Food Units intended for use are required to be inspected and permitted by DOHMH. DOHMH Mobile Food Vending Unit permits are only issued when after the Mobile Food Unit intended for use passes a DOHMH inspection. All Mobile Food Units in operation under a Parks Permit must have passed a DOHMH inspection. In order to schedule the Mobile Food Unit for an inspection, you must provide DOHMH with a signed Permit Agreement from Parks and a letter from Parks requesting a DOHMH inspection.

Before Parks issues a written Notice to Proceed and Permit decal, vendors must provide Parks with documentation that the Mobile Food Unit passed DOHMH inspection.

During the term of the Permit, persons that operate a Mobile Food Unit without a valid DOHMH Mobile Food Vending Unit Permit will be instructed to cease operations and will be subject to fines. When warranted, representatives of the Parks Enforcement Patrol (PEP), New York City Police Department, New York City Fire Department, DOHMH, and other agencies having jurisdiction may confiscate the Mobile Food Unit(s), including merchandise.

Parks reserves the right to require replacement of vending Mobile Food Units that are in poor condition or that do not meet DOHMH specifications and requirements.

Mobile Food Unit Specifications & Maintenance

Concessionaires will be required to purchase, supply, or otherwise obtain all equipment, including the Mobile Food Unit necessary for the operation of this concession. Concessionaires will be required to present his/her Mobile Food Unit(s) to Parks for inspection before the Permit Agreement is signed. All Mobile Food Units must be kept in good condition. Parks reserves the right to require replacement of Mobile Food Units that are in poor condition or that do not meet DOHMH specifications and requirements.

Mobile Food Unit Umbrellas, canopies and other equipment attached to Mobile Food Units shall be of a design and color subject to prior written approval by Parks. Parks expects the concessionaire to utilize Mobile Food Units

of a premium quality and design. All umbrellas/awnings must be green and white. In addition, the concessionaire shall repair or replace the above if deemed necessary by Parks. Bids should include a photo or visual schematic of the type of Mobile Food Unit to be used, including the dimensions of the Mobile Food Unit. Mobile Food Units may not extend vending space beyond the confines of the unit. During the term of the Permit, Parks may require the concessionaire to adopt and apply official graphics, art, color(s), and signage to each mobile food unit, canopy, or umbrella at the Permitted Premises.

It is necessary to keep Mobile Food Units clean and in good condition. This involves, but is not limited to, ensuring that the Mobile Food Units do not leak any type of fluid, including, but not limited to, water, onto the ground. It is also necessary to keep Mobile Food Units clean and free of graffiti. Mobile Food Units must not be damaged or dented.

No food products or beverages may be stored on the ground or on any surface in the park other than on or in the Mobile Food Unit at the Premises.

DOHMH Letter Grades: Mobile Food Units Only

Bidders should note that the Mobile Food Vending Units, trucks and carts, or both, of concessionaires became subject to a DOHMH letter grading program on December 10, 2018. It is similar to the current program for restaurants which is codified in Health Code Article 81.51 and Chapter 23 of Title 24 of the Rules of the City of New York and is described at

<https://www1.nyc.gov/site/doh/business/food-operators/mobile-and-temporary-food-vendors.page>

No Exclusive Vending Rights

Bidders should note that the Permit will not grant the concessionaire exclusive rights to sell in the park in which the Premises are located. Moreover, Parks may grant other Permits to concessionaires to sell the same or similar items authorized under the concessionaire's Permit within the same park in which the concession is located. Parks does not guarantee that illegal vendors, persons unauthorized by Parks or disabled veteran vendors will not compete with the successful concessionaire or operate near the Premises. Parks encourages concessionaires to report illegal vendors by calling 311.

Hours of Operation

Concessionaires may only operate during the hours in which the park in which the Premises is located is open and vacate the Premises before the park closes. For example, if the park closing time is 10 p.m., a concessionaire must vacate the park by 10 p.m. Mobile Food Units may not remain at the vending location overnight.

Parks Permit Decal

Each Permit shall become effective upon the concessionaire's receipt of a written Notice to Proceed. A Parks Permit decal, a 311 sign for the Mobile Food Unit, and a written Notice to Proceed will be presented to each concessionaire after Parks has received documentation that the concessionaire has been issued a valid DOHMH Vendor License and DOHMH Mobile Food Vending Unit Permit and once the Parks Permit has been registered. A concessionaire shall not commence the operation of the Mobile Food Unit until it has received the written Notice to Proceed, Permit Decal and 311 sign from Parks. Parks will provide a new Permit Decal for the Mobile Food Unit to each concessionaire at the beginning of each year of the Permit term, provided that the concessionaire is in compliance with the terms of its Permit. **A replacement fee of \$100.00 will be charged to any concessionaire who loses a Permit decal.**

Signage & Advertising

All signage is subject to Parks' written approval. A Parks Permit Decal must be displayed at all times in a visible location. A menu and a price list, approved in writing by Parks, must also be prominently displayed at all times for *all* items that are sold at the Mobile Food Units, including ice cream and ices. A "311 sign" provided by Parks must be displayed at all times in a visible location.

Each concessionaire will be prohibited from displaying, placing or permitting the display or placement of advertisements in or on the Premises, including but not limited to the Mobile Food Units, without the prior written approval of Parks. The display or placement of tobacco or non-tobacco smoking products, electronic cigarette or alcoholic beverage advertisement shall be prohibited, as defined in Section 17-502 of the Administrative Code of the City of New York. The following standards will apply to all allowed advertising: 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. The advertising of product brands is prohibited without Parks' prior written approval. Any and all signage is subject to Parks' written approval. The design and placement of all signage, including signage which includes the concessionaire's name, trade name(s) and/or logos, is subject to Parks' prior written approval. Any prohibited material displayed or placed shall be immediately removed by the concessionaire upon notice from Parks at the concessionaire's sole cost and expense.

Storage/Parking

Parks makes no representation that there is adequate storage space or parking at the Premises. 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 shall not store any equipment or supplies at the Premises without the prior, written approval of Parks. No item shall be placed upon any public space, including the ground adjacent to the Premises without Parks' prior written approval. The concessionaire will be required to store all equipment on a nightly basis and anytime the concession is closed.

The concessionaire may not park private, commercial or delivery vehicles at the Premises without Parks prior approval; all vehicles associated with the concession must operate in compliance with local Department of Transportation ordinances.

Utilities

Parks makes no representations regarding the adequacy of utilities currently in place at the permitted premises. The concessionaire will be required, as needed, to connect to and/or upgrade any existing utility service or create a new utility system, and obtain the appropriate permits and approvals. The concessionaire will be required to pay for any and all utility costs connected with the operation of this concession during the Permit term. These utility costs include, but are not limited to, all water and sewer charges that the DEP assesses for water usage. The concessionaire will be prohibited from tapping into utilities used, operated or owned by the City.

Identification and Address

The successful bidder will be required to present **picture identification** (such as a driver's license; City-issued identification card, or a passport) and **proof of address** (such as a utility bill) in order to execute the Permit.

Concessionaires operating any type of mobile truck are required to present a valid driver's license.

In addition, all bidders will be expected to provide Parks with an address and at least two (2) operating phone numbers (see bid form at end of RFB) for contact purposes. The successful bidder shall notify the Parks' Revenue office immediately of any changes to the successful bidder's address or phone number.

Internal Controls

Throughout the term of the permit, the concessionaire will be required to maintain a revenue control system to ensure the accurate and complete recording of all revenue, in a form and manner acceptable to the City. The concessionaire must also establish a dedicated bank account for deposits of concession-generated revenue. 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.

Customer Service

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

Vending Locations

Concessionaire must only operate the Mobile Food Unit(s) at vending location(s) described in **Exhibit A** for which concessionaire has a Permit. The concessionaire is restricted to the operation of the specific Mobile Food Unit approved for use at the vending location and as indicated in **Exhibit A**. Parks retains the right to relocate or restrict the operation of a Mobile Food Unit, if necessary.

Environmentally-Friendly (“Green”) Products & Practices

The City of New York has implemented eco-friendly initiatives to create a positive difference in our environment and the health of all New Yorkers. Parks strongly encourages concessionaires to employ eco-friendly practices and products in the daily operation and maintenance of the concession.

Parks encourages the concessionaire to use chlorine-free, biodegradable products such as, but not limited to, paper towels, napkins, utensils, and plates if the concessionaire intends to utilize any disposable products in the operation of this concession. Additionally, Parks encourages concessionaires to use “Green Seal” eco-friendly products such as, but not limited to, soaps and cleaners for operational and cleaning purposes. A list of “Green Seal” certified products can be found at <http://www.greenseal.org/FindGreenSealProductsAndServices.aspx>. Parks also encourages the selling of sustainable food products and the training of staff on environmentally-friendly food practices.

The sale of beverages in glass bottles is prohibited. All beverages must be in non-glass, shatter-proof containers. Also, the use of polystyrene packaging or food containers is prohibited in the operation of the concession.

Parks also encourages the following:

- Selling or serving water in environmentally friendly alternatives to plastic bottled water (e.g. reusable cups, biodegradable cups, boxed water).
- The use of chlorine free, biodegradable and/or compostable products such as paper towels, napkins, utensils and plates (if the proposer intends to utilize disposable products for food service at the Licensed Premises).
- The use of environmentally friendly cleaners and the sale of sustainable food products.

Special Events

New York City Parks are the site of many special events (including parades) throughout the year. During special events, the City may enforce directives requiring Parks to delay, relocate, or suspend concession operations. Enforcement of security directives may restrict vehicular access to the park, roadways, and concession site. Bidders are advised to consider this and other pertinent factors when bidding on these locations.

Inspections & Liquidated Damages

Inspectors from Parks and DOHMH will visit the Premises unannounced to inspect operations and ensure proper maintenance of the Premises and compliance with the New York City Health and Administrative Codes and the New York State Sanitary Code. Based on their inspections, Parks may issue directives regarding deficiencies the concessionaire will be obligated to rectify in a timely fashion. Violations of the terms of the Permit may result in the assessment of liquidated damages which, if not paid promptly, may be deducted from the concessionaire’s security deposit. If the concessionaire fails to provide the cleaning, maintenance, and operational services required by the Permit agreement, Parks shall notify the concessionaire in writing, and the concessionaire shall be required to correct such shortcomings within the timeframe set forth in such notice. If the concessionaire fails to cure the violation within the timeframe set forth in the notice, Parks may, at its option, in addition to any other remedies

available to it, assess liquidated damages and/or suspend or terminate the Permit agreement. Parks may impose a \$250 administrative fee for reinstatement of a suspended Permit. Liquidated damages may be assessed in accordance with the following schedule:

Provision	Liquidated Damages per Occurrence
Unauthorized Menu Items or Merchandise	\$150
Missing or Unauthorized Price List	\$250
Overcharging	\$350
Expanding	\$350
Blocked paths, exits, roadways and vehicles on sidewalks	\$350
Improper Disposal (noxious liquids, debris, etc.)	\$350
Mobile Food Unit Leaking Fluids	\$350
Mobile Food Unit Obviously Damaged or in Poor Repair	\$250
Graffiti or Dirty Mobile Food Unit or Umbrella	\$350
Unauthorized Advertising	\$350
Roving or Vending at Unauthorized Location	\$250
Improper Storage	\$350
Sticker Expired or Not Displayed	\$250
Damage to Parks' property (e.g., trees, fencing, hex pavement, etc.)	\$350
Vending without valid DOHMH Mobile Food Vendor's License	\$350
Vending without valid DOHMH Mobile Food Unit License	\$350
Unauthorized tapping into utilities used, operated or owned by the City	\$350
Unauthorized Vehicular Activities	\$350
311 sign not displayed	\$250

Procedure for Appeals of Assessments for Concession Permit Violations

If an assessment is received for one of the above violations, there is a process by which the assessments may be appealed if the concessionaire feels that the assessment has been assessed in error. The procedure is outlined below:

1. Filing an Appeal

- A. If the concessionaire wishes to appeal the assessment, a notice of appeal must be delivered to Parks within ten (10) days along with a statement of reasons why he or she believes the assessment was erroneous. The statement of reasons must be notarized. Any evidence supporting the concessionaire's appeal (such as photographs, documents, and witness statements) should also be included.
- B. If no appeal is received within 10 days of the date the assessment is mailed, the assessment shall be considered final and charged to the concessionaire's account.

2. Adjudication of Appeal

- A. The appeal shall be sent to the Director of Operations Management & Planning, whose office is located at the Arsenal, 830 Fifth Avenue, New York, NY 10065. The Commissioner has designated the Director of Operations Management & Planning to decide on the merits of these appeals. The decision of the Director of Operations Management & Planning shall constitute the final decision of Parks.
- B. The Director of Operations Management & Planning is authorized to investigate the merits of the appeal, but is not required to hold a hearing or to speak to the concessionaire in person.

C. BIDS FOR VENDING LOCATIONS

Parks will only accept bids for vending locations listed in **Exhibit A** of this solicitation. The left column of the attached **Exhibit A** provides the following information: the name of the park and when the vending location will become available. The middle column indicates the location of the concession within the park. The right column indicates the vending location's property number, which should appear on the face of the envelope in which the bidder submits the bid (See *Bid Submission Instructions*). Parks retains the right to relocate or restrict a Mobile Food Unit, if necessary.

NOTE: *If more than one (1) Mobile Food Unit is listed under a single property number, the Mobile Food Unit vending locations with that property number are not offered separately, and Parks will not consider bids to operate less than the total number of Mobile Food Units listed for that property number.*

D. REQUIREMENTS DURING THE TERM OF THE PERMIT

1. Each concessionaire will be required to obtain and maintain any and all necessary approvals, permits, and licenses for the lawful operation of each concession.
2. Each concessionaire will be required to operate and maintain each concession for the use and enjoyment of the general public.
3. Each concessionaire will be required to submit a security deposit of 25% of the highest year's guaranteed annual flat fee, per Permit, which will be required for the duration of the Permit term. This security deposit, which may be in the form of an interest bearing account or other format approved in writing by Parks, will be due upon signing.
4. (a) **The concessionaire will be required to carry Commercial General Liability insurance in at least One Million Dollars (\$1,000,000) per occurrence for bodily injury (including death) and property damage and One Million Dollars (\$1,000,000) for personal and advertising injury, and if the policy contains an aggregate limit, the aggregate shall apply on a per-location basis applicable to each vending location and the per-location aggregate shall be at least Two Million Dollars (\$2,000,000).** The Commercial General Liability shall provide coverage at least as broad as the most recently issued Insurance Services Office (ISO) Form GC 00 01, shall contain no exclusions other than as required by law or as approved by the Commissioner, and shall be "occurrence" based rather than "claims-based." **The Commercial General Liability insurance will be required to name the City of New York, including its officials and employees (and any entity listed in the relevant entry of Exhibit A, including that entity's officials, employees, and volunteers (collectively the "Indemnitees"; each an "Indemnitee") as additional insured, with coverage at least as**

broad as the most recently issued Insurance Services Office (ISO) Form GC 20 26, and the additional insured's limits will be no lower than concessionaire's.

- (b) The concessionaire also shall be required to carry statutory limits of Worker's Compensation, Employer's Liability, and Disability Benefits Insurance and submit proof of insurance in the following acceptable forms: (1) C105-C; (2) State Insurance Fund Form No. U-26.3; (3) New York State Workers' Compensation Board Form No. DB-120.1; (4) equivalent or successor forms used by the New York State Workers' Compensation Board; (5) or other proof of insurance in a form acceptable to the Commissioner of Parks. If Permittee is or intends to be exempt from the requirements of the New York State Worker's Compensation Law, Permittee must submit Certificate of Exemption Form No. CE-200.
 - (c) **If vehicles are to be used in connection with the concession, the concessionaire shall carry Commercial Automobile Liability insurance in the amount of One Million Dollars (\$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 concessionaire does not provide proof of compliance with this requirement, no vehicular use will be permitted within Parks boundaries.
 - (d) 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 program warrants it.
5. Within sixty (60) days of the end of each calendar year, the concessionaire will be required to submit an annual statement of gross receipts from all categories of income in a format approved in writing by Parks. In addition, the concessionaire must have available, at the request of Parks, monthly statements of gross receipts, as well as 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 I (B) above.
 6. Mobile Food Units must have garbage receptacles present during all operating times. Concessionaires will be required to keep the vending location and the area within fifty (50) feet of the Mobile Food Unit clean and free of all waste, garbage, refuse, rubbish and litter at all times. The concessionaire will remove from the vending location, at concessionaire's sole cost, all rubbish generated. The concessionaire will be required to provide adequate waste and recycling receptacles that are approved in writing by Parks and have these receptacles emptied on a daily basis and removed by a private carter. The concessionaire will be required to comply with all City, State, and Federal regulations regarding recycling. Rubbish removal schedules are subject to Parks' prior written approval.
 7. The concessionaire will be prohibited from cutting down or removing any trees or shrubbery at the Premises without prior written approval from Parks and any other entity with jurisdiction over the park within which the concession is located. Any attachments to the trees, such as, but not limited to, lights, will not be permitted.
 8. The concessionaire will be required to cooperate with Parks during special and unforeseen events.
 9. The selling and/or advertisement of tobacco products, or non-tobacco smoking products, or electronic cigarettes is strictly prohibited. The concessionaire will be required to adhere to and enforce this policy.
 10. Smoking of any tobacco or non-tobacco smoking products and the use of electronic cigarettes are strictly prohibited at the Premises except in parking lots or on sidewalks along the park perimeter. Concessionaire shall adhere to and enforce this policy.

11. The concessionaire will be required to pay all taxes applicable to the operation of the concession, including commercial rent tax (if applicable). Gross receipts shall exclude the amount of any Federal, State, or City sales taxes which are paid by the concessionaire as against its sales.
12. Upon signing the Permit, the concessionaire agrees that Parks Inspectors and/or Park Enforcement Officers may confiscate any and all material found to be outside of the vending location. If material is stored or displayed outside of the vending location, all expenses associated with enforcement of this requirement will be reimbursed by the concessionaire to the City. The concessionaire shall reimburse the City within thirty (30) days of receipt of a written request.
13. Concessionaire shall not block any sidewalk, pathway, park entrance, or other pedestrian walkway with concessionaire's equipment or supplies. The concessionaire shall place concessionaire's equipment and supplies in such manner that at least a six (6) foot walkway is available to pedestrians at all times.
14. The concessionaire must obtain the prior written approval of Parks prior to entering into any marketing or sponsorship agreement. In the event the concessionaire breaches this requirement, the concessionaire shall take any action that the City may deem necessary to protect the City's interests.
15. The concessionaire will be required to indemnify, defend and hold the Indemnitees harmless for claims arising out of the concessionaire's operations under the Permit, pursuant to a provision to be included in the Permit.
16. Concessionaire will be required to comply with all City, State and Federal laws relating to access for persons with disabilities. To the extent possible, the concessionaire is encouraged to exceed all applicable accessibility requirements for people with disabilities.
17. The Concessionaire will be required to acknowledge that Central Park, as of June 27, 2018, is now a car free zone. Concessionaire may only access Park roadways to pick-up or deliver items essential to the operation of their concessions. Personal vehicles are not allowed on any Park Drive. Available entrances and exits to Central Park may be impacted. More information will be made available prior to the Notice to Proceed. The maximum speed limit on Central Park drives is 15 miles per hour (MPH), but may be subject to change. Motorists should reduce speed and exercise extreme caution when park drives are congested, and vehicles must travel only in the marked vehicle lane. Drivers must always yield to pedestrians and cyclists and turn on hazard lights when operating in the park. All drivers of vehicles employed in the operation of the concessions are required to obtain and display a Parks-issued Vehicle Permit. During the term of the Permit, traffic regulations may be subject to change.
18. All concessionaires must observe applicable vehicle and traffic regulations, and adhere to instructions from Central Park Conservancy (if applicable), NYPD, DOT, and Parks. Concessionaires are not permitted to operate vehicles on pedestrian pathways.
19. Concessionaire will be required to comply with the Earned Sick Time Act, also known as the Paid Sick Leave Law, as a concessionaire of the City of New York as set forth in the Paid Sick Leave Law Concession Rider included herewith as **Exhibit C**.
20. If a concessionaire does not comply with the terms of their Permit, the Permit may be terminated. Any warnings or terminations may be considered in making future bidder responsibility determinations

II. THE REQUEST FOR BIDS PROCESS/BID PROCEDURES

A. BID SUBMISSION INSTRUCTIONS

All bids must meet the requirements listed below in the “Bid Submission Requirements” section and should comply with the guidelines listed in the “Bid Content Guidelines” section.

*All Bidders should be aware that a copy of the current or prior Permit for specific vending locations may be available for review or obtain at no cost, commencing on December 18, 2019 through January 17, 2020 between the hours of 9AM and 5PM, excluding weekends and holidays at the Revenue Division of the NYC Department of Parks and Recreation, located at 830 Fifth Avenue, Room 407, New York NY 10065. **Revenue staff are available by appointment only; please call (212) 360-1397 to arrange a time to come into the office.** Please be advised that all terms of the Permit are non-negotiable.*

Pages should be paginated. The City of New York requests that all bids 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: <https://www.epa.gov/smm/comprehensive-procurement-guidelines-paper-and-paper-products>).

The bidder should state whether the bid submission 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 bids 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 8½" x 11" sectionals or reductions to 8½" x 11". No electronic or facsimile bids will be accepted. The bid will be evaluated on the basis of its content, not length.

PLEASE SUBMIT ONE (1) BID PER ENVELOPE

Please submit one (1) original and one (1) copy of the bid form and all required attachments - in a sealed envelope for each vending location. If bidding for multiple vending locations, submit each bid in a separate envelope (i.e. one bid per envelope).

The following information should be CLEARLY PRINTED on the outside of each envelope:

- Bidder's Name and Address
- Solicitation # CWB-2020-A
- Park Vending Location and Property Number on which the bidder is bidding.
- Bid Due Date & Time: Friday, January 17, 2020 at 11:00 a.m.

B. BID SUBMISSION REQUIREMENTS

Each bid submitted must meet the following requirements. Bids shall be submitted on the attached bid form and shall be typewritten or written legibly in ink. Erasures or alterations shall be initialed by the signer in ink. All bids shall be signed in ink.

1. All Bidders must submit a bid that includes a fee offer. Bids must state a guaranteed annual flat fee for each year of operation. Award will be based on the highest flat fee offer for the five (5) years. For any bid where the flat fee offer for each and every year is not the highest fee, Parks will use a Net Present Value (NPV) analysis to

determine which bid has the highest overall fee offer. Bids that do not state a guaranteed annual flat fee will not be considered. If a bidder offers any additional payment beyond the guaranteed annual flat fee, only the flat fee will be considered. **Bidders must submit a separate bid form and fee offer for each vending location they are bidding on, even if the vending locations are in the same park.**

CENTRAL PARK VENDING LOCATIONS: Parks will not consider fee offers that increase by more than 10% from one year to the next.

2. **Parks has established a minimum bid of one thousand dollars (\$1,000.00) per vending location for each year of the Permit's Term. Parks will not consider any bids lower than one thousand dollars (\$1,000.00) per location for each year of the Permit's Term.**
3. At Parks' request, bidder shall submit documentation, satisfactory to Parks, demonstrating that it has the financial capability to pay the fees set forth in its bid. Failure to provide such documentation will result in a determination of non-responsiveness.
4. **All bidders are required to submit as a bid deposit a certified bank check, official bank check, cashier's check or money order in the amount of seven hundred and fifty dollars (\$750.00) per each non-Central Park vending location, and five thousand dollars (\$5,000) per each Central Park vending location, with the bid (payable to NYC Parks & Recreation). Personal or business checks WILL NOT be accepted. In the event of the failure of a successful bidder to execute a permit in accordance with the terms of its bid, the deposit shall be retained by the City unless the bid has been permitted to be withdrawn. Bid deposits will be returned to unsuccessful bidders after the permit is signed with the successful bidder. Each bid must clearly indicate the vending location on which the bidder is bidding.**
5. All bids must be submitted in a sealed envelope and received in the office of the:

Revenue Division
City of New York Parks & Recreation
The Arsenal - Central Park
830 Fifth Avenue, Room 407
New York, New York 10065
6. **All bids must be received by Friday, January 17th, at 11:00 AM.** Hand delivery to Room 407 before the deadline is recommended to ensure consideration of the bid(s). Bids received after the time and date listed above will be considered late. Late bids and late modifications will not be considered, except as provided for in Sections 1-12(j) (2) (i) and (ii) of Title 12 of the Rules of the City of New York ("Concession Rules").

C. BID CONTENT GUIDELINES

Each bid is expected to include the following:

1. Fee Offer:
 - The City urges that there be an escalation of at least five percent (5%) per year (compounded annually) in the guaranteed annual fee over the Permit term.
2. Bid Forms & Deposits:
 - Bidders should clearly indicate their name and address on the face of the **MONEY ORDERS; CERTIFIED BANK CHECK, OFFICIAL BANK CHECK, OR CASHIER'S CHECK** submitted for the bid deposit. Bidder should submit one (1) original and one (1) copy of the bid form per envelope.

- Please note that **NO PERSONAL OR BUSINESS CHECKS WILL BE ACCEPTED**

3. Operating Experience:

- Bidders should submit a resume or detailed description of the bidder's professional qualifications, demonstrating extensive experience in the industry, including, but not limited to, 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 bid.
- Bidders should attach a list of at least three (3) recent relevant references, with whom the bidder has previously worked and/or who can describe such matters as the bidder's financial, operational and construction capability. Include the name of the reference entity, a description of the nature of the listed reference's experience with the bidder and the name, title, address, and telephone number of a contact person at the reference entity.

4. Proposed Design:

- Bidders should submit designs showing the proposed Mobile Food Units. All final designs of the Mobile Food Unit must conform to the design specifications listed in this RFB and must receive prior written approval from Parks.

5. Planned Operations:

- Bidders should submit a detailed operational plan for the entire Premises, including but not limited to, hours of operation, items sold, prices, plans for deliveries and rubbish removal, and a cleaning schedule. All operational plans, including, but not limited to, delivery schedules, rubbish removal schedules, prices (and subsequent increases), items sold, and hours of operation are subject to Parks' prior written approval.
- Bidders should submit an estimated number of full-, part- time and seasonal employees and the positions these employees will fill.
- Bidders should include a comprehensive pro-forma income and expense projection for each year of operation. This pro-forma projection should include explanations for all the assumptions used in its formulation.
- Parks is charged with improving customer satisfaction with the services provided at facilities on parkland. Therefore, Parks would like bidders 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, but are not limited to, customer evaluations or survey forms. Further, Parks would like bidders to explain how they would improve the quality of services offered if the above mechanisms indicate a need to do so.

6. Financial Capability:

- Bidders 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. Bidders 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).
- Bidders should identify the source of all funds proposed to be invested in the concession.

NOTE: All bidders should indicate how they became aware of this concession opportunity (e.g.: newspaper ad, mailing list, Parks website, etc.).

D. SELECTION PROCUDURES

Parks will select the highest fee offer to the City from a responsible and responsive bidder. As set forth in Section 1-07(b) (1) of the Concession Rules, a responsible concessionaire is one which has the capability in all respects to perform fully the concession requirements. For any bid where the fee offer for each and every year is not the highest fee, Parks will use a Net Present Value (NPV) analysis to determine which bid has the highest overall fee offer. Parks cannot consider a bid that does not meet the criteria set forth in the Bid Submission Requirements section of this RFB. Bids that do not meet these requirements will be considered non-responsive and will not be evaluated.

E. OTHER GENERAL RFB REQUIREMENTS AND CONDITIONS

Park reserves the right to postpone or cancel this RFB or reject all bids, if in its judgment it deems it to be in the best interest of the City of New York to do so.

Bidders 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.

The award of this concession is subject to applicable provisions of Federal, State, and City laws and executive orders requiring affirmative action and equal employment opportunity.

All Requests for Bids submission materials become the property of the City of New York and Parks. Bid 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 ("FOIL"), which governs the process for the public disclosure of certain records maintained by Parks, (See Public Officers Law, Sections 87 and 89) and may be required to disclose a written submission or portion thereof submitted in connection with this solicitation (See Public Officers Law, Sections 87 and 89). Individuals or firms that submit bids to Parks may request that Parks except all or part of such a bid from public disclosure, on the grounds that the bid contains trade secrets, confidential 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 request for 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 bid or portions thereof for which the exception is requested. Such portions of a bid must be easily separable from the bid. Bidders should be aware, in any event, that Parks may be required, pursuant to FOIL, to disclose a written submission or portion thereof submitted in connection with this solicitation, even if labeled as proprietary in accordance with this paragraph. In the event that such disclosure or information labeled as proprietary is requested by a third party, Parks will provide notice to the submitter as far in advance as practicable of any deadline for responding to such request and shall consult with the submitter to evaluate the extent to which such information may be withheld from disclosure under the provisions of FOIL. In the event that Parks determines that information may not be withheld, Parks will attempt to provide the submitter with timely notice of its intent to disclose in order that the submitter may invoke any rights or remedies to prevent disclosure to which it believes it may be entitled under the law. The submitter expressly acknowledges and agrees that neither Parks nor the City will have any liability to the submitter in the event of disclosure of materials designated by the submitter as trade secrets or confidential proprietary information.

Parks shall not be liable for any costs incurred by bidders in the preparation of bids or for any work performed in connection therein.

Bidders should be aware that this concession will be developed and operated pursuant to a Permit issued by Parks. Notwithstanding any language contained herein, the license agreement is terminable at will by the Commissioner at any time. In the event this Permit is terminated, Parks will not reimburse concessionaire's unamortized capital improvement costs.

A bidder may submit a modified bid to replace all or any portion of a bid submitted up until the bid submission deadline. Parks will only consider the latest version of the bid. Late bids and late modifications will not be considered for evaluation, except as provided for in Sections 1-12(j) (2) (i) and (ii) of the Concession Rules. Bidders may withdraw their bids from consideration at any time before the bid deadline by submitting written notice to Parks. **A bidder may not withdraw its bid before the expiration of forty-five (45) calendar days after the date of the opening of bids; thereafter a bidder may only withdraw its bid by submitting written notice to Parks in advance of an actual award of the concession.**

Technical addenda issued by Parks will be the only authorized method for communicating clarifying information to all potential bidders. Bidders should contact the agency before submitting a bid to verify that they have received any addenda issued. Bidders shall acknowledge the receipt of any addenda in their bid submissions.

Bidders should be aware that, upon Parks' request, bidder(s) will be required to complete an online Procurement and Sourcing Solutions Portal (PASSPort) Vendor and Principal Questionnaires (formerly known as Vendor Information Exchange System (VENDEX) forms) to the Mayor's Office of Contract Services (MOCS). 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 PASSPort 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 PASSPort questionnaires and review of certain information contained therein by the Department of Investigation. To submit the questionnaires to MOCS, create an account and submit the vendor enrollment package in PASSPort through the NYC website at <http://www.nyc.gov/passport>.

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

Mitchell J. Silver, FAICP
Commissioner

SOLICITATION CWB2020-A

For the Sale of Food from Mobile Food Units at Various Parks Citywide

BID FORM – FEE OFFER

BID DUE DATE & TIME: FRIDAY, JANUARY 17, 2020 at 11:00 AM

All bid fee offers must be submitted on this form. Submit forms with original signatures only.

PLEASE SUBMIT ONE (1) BID FORM AND ONE (1) COPY PER ENVELOPE

Copy information exactly as it appears in this Request for Bids. All information on this form must be typewritten or written legibly in ink. Erasures or alteration shall be initialed by the signer in ink and all bids shall be signed in ink.

(PLEASE USE A SEPARATE BID FORM FOR EACH LOCATION)

PROPERTY # (See *Exhibit A*): _____

NAME OF PARK: _____

LOCATION IN PARK: _____

FEE OFFER

Year 1 Guaranteed Annual Flat Fee Payment \$ _____

Year 2 Guaranteed Annual Flat Fee Payment \$ _____

Year 3 Guaranteed Annual Flat Fee Payment \$ _____

Year 4 Guaranteed Annual Flat Fee Payment \$ _____

Year 5 Guaranteed Annual Flat Fee Payment \$ _____

Note: Parks anticipates an increase of Permit fee for each subsequent operating year. Parks strongly encourages an increase of at least 5% between operating years; and will not consider increase of more than 10% between operating years for Central Park vending locations.

Reminder: The bid deposit is \$750 for each non-Central Park vending location; AND is \$5,000 for each Central Park vending location.

I certify that all information provided on this form is correct.

Print Name/Company

Signature

Date

SOLICITATION CWB-2020-A

For the Sale of Food from Mobile Food Units at Various Parks Citywide

ADDITIONAL INFORMATION

BID DUE DATE & TIME: FRIDAY, JANUARY 17, 2020 at 11:00 AM

This form should be completed by Bidder and submitted with the bid fee offer form. Any additional information should be typed on both sides of 8 1/2" x 11" paper. Bidders are encouraged to submit more detailed information along with this form. All submissions become the property of Parks.

NAME:

_____, _____
Last First M

COMPANY NAME (if applicable): _____ EIN # _____ - _____ - _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

PHONE: *You should provide at least **two (2)** numbers at which we will be able reach you.*

BUSINESS: () _____ PAGER/CELLULAR: () _____

HOME: () _____ FAX: () _____

OTHER: () _____ *(If this line is completed, please indicate a contact person or explain further.)*

EMAIL: _____

List all permits, licenses, leases, and franchises issued by the city or state agencies held by you.

	<u>Description</u>	<u>Expiration Date</u>
NY State Sales Tax ID: (Not SSN or EIN)	_____	_____
DOHMH Mobile Food Vendor CAMIS ID #:	_____	_____
EIN Tax I.D. Number: (if applicable)	_____	_____

Have you operated at this park previously? Yes No

If yes, describe the concession(s):

List all current Park Permits held by you and/or any entity you control:

_____	_____	_____	_____
_____	_____	_____	_____

Are you a veteran? Yes No

Briefly describe your experience and qualifications:

- I certify that additional pages attached to the bid form are printed on recycled paper containing the minimum percentage of recovered fiber content as requested by the City in the Bid Instructions.

I certify that all statements on this form are true to the best of my knowledge.

Print Name/Company

Signature

Date

EXHIBIT A: CITYWIDE VENDING LOCATIONS

During the term of the agreement, the vending location may be modified, suspended or terminated to accommodate for new construction, new traffic ordinances, or unforeseen events. Parks reserves the right to determine the exact location the concession shall operate.

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<u>Park; and Mobile Food Unit Type</u>	<u>Vending Location</u>	<u>Required Additional Indemnities (per section 26 of the General Conditions)</u>	<u>PARKS Permit Property#</u>	<u>Date Available</u>	<u>Expiration Date</u>
Aqueduct Walk Non- Processing Cart; or Processing Cart	Aqueduct Walk/By Park Entrance By West Fordham Road, University Avenue Bus Stop	N/A	X1-A-C	1/1/2020	12/31/2024
Barnhill Triangle Mobile Truck	Along Kingsbridge Rd	N/A	X1-B-MT	1/1/2020	12/31/2024
Bronx Park East Mobile Truck	Along Bronx Park East Between Brady And Lydig Avenues	Bronx River Alliance, Inc.	X2-(3)-MT	1/1/2020	12/31/2024
Tremont Park Non- Processing Cart; or Processing Cart	Entrance To Borough Hall Playground Entrance Corner of Tremont & Arthur Ave, Playground at Arthur Ave & E175th street in	N/A	X10-1 -C	1/1/2020	12/31/2024
Crotona Park Mobile Truck	Crotona Park East & Charlotte St	N/A	X10-(1)-MT	1/1/2020	12/31/2024
Fort Independence Playground Mobile Truck	Along Sedgwick Ave	N/A	X20-MT	1/1/2020	12/31/2024
Joyce Kilmer Park Non- Processing Cart; Processing Cart or Mobile Truck	Exact Location Subject To Parks' Approval	N/A	X28-MT/C	1/1/2020	12/31/2024
Pelham Bay Park Mobile Trucks	Rice Stadium Pl	N/A	X39-(1)- MT	1/1/2020	12/31/2024

Pelham Bay Park Mobile Trucks	Bruckner Blvd & Wilkinson Ave	N/A	X39-3-MT	1/1/2020	12/31/2024
Pelham Bay Park Mobile Truck	Entrance At Bruckner Blvd. & Middletown Rd.	N/A	X39-4-MT	1/1/2020	12/31/2024
Chet Henderson Non- Processing Cart; or Processing Cart	Sheridan St & Mount Eden Mall	N/A	X81-BC/C	1/1/2020	12/31/2024
L. Zimmerman Playground Mobile Trucks	Barker, Britton, Olinville	N/A	X87-102-214-MT	1/1/2020	12/31/2024
Van Cortlandt Park Mobile Truck	West Gun Hill Rd. & Jerome Ave.	N/A	X92-J-MT	1/1/2020	12/31/2024
Van Cortlandt Park Mobile Truck	Broadway, Between W.240 St. and W 263 St. Along van Cortland South next to the Playground.	N/A	X92-1-MT	1/1/2020	12/31/2024
Van Cortlandt Park Non- Processing Cart; or Processing Cart	Northeast Corner of the Intersection of Van Cortlandt Park South of Broadway, by the Southwest Playground and between the lawn and Kingsbridge Green	N/A	X92-10-C	1/1/2020	12/31/2024
Van Cortlandt Park Mobile Truck	Allen Shandler Rec Center Pl	N/A	X92(7)-MT	1/1/2020	12/31/2024
People's Park Mobile Trucks	People's Park, JHS 149 Playground, Willis Playground	N/A	X103-155-200-217-MT	1/1/2020	12/31/2024
Sound View Park Mobile Trucks	Morrison & Lafayette Aves	N/A	X118-MT	1/1/2020	12/31/2024
Bufano Park Mobile Truck	Bradford, Edison, La Salle & Waterbury Aves	N/A	X121-MT	1/1/2020	12/31/2024
Watson Park Mobile Trucks	Along Gleason Ave, Rosedale Ave, Watson Ave & Noble Ave	N/A	X124-2-MT	1/1/2020	12/31/2024
Ferry Point Park Non- Processing Cart; or Processing Cart	East Road Near soccer fields # 1,3 and 4	N/A	X126-1-C	1/1/2020	12/31/2024

Ferry Point Park Non- Processing Cart; or Processing Cart	West Road, Near Soccer field #2 and softball fields 1 and 2q	N/A	X126-2-C	1/1/2020	12/31/2024
Peace Park Mobile Trucks	Clay Ave & Cross Bronx Expressway Service Rd	N/A	X148E-258-MT	1/1/2020	12/31/2024
Castle Hill Playground Mobile Trucks	P.O. Serrano Plygd: Olmsted, Tumbull & Lafayette Aves	N/A	X151-MT	1/1/2020	12/31/2024
Vinmont Veteran Park Mobile Trucks	Along 254th St, Mosholu Ave, & Riverdale	N/A	X152-MT	1/1/2020	12/31/2024
P.S. 106 Playground Mobile Trucks	St. Raymond Ave B/W O'dell & Purdy Sts	N/A	X160-MT	1/1/2020	12/31/2024
Gun Hill Houses Playground Non- Processing Cart; Processing Cart or Mobile Truck	Southwest Corner Of Magenta St. & Holland	N/A	X161-MT/C	1/1/2020	12/31/2024
Stars & Stripes Playground Processing Cart; or Non-Processing Cart	Along Crawford Ave & Baychester Ave	N/A	X193-C	1/1/2020	12/31/2024
Captain Rivera, Pontiac, Abigail, Fountain, Youth Playground Mobile Truck	Captain Rivera Playground, Pontiac, Abigail, Fountain Of Youth And Grove Hill Playground	N/A	X194-207-216-233-235-MT	1/1/2020	12/31/2024
Colgate Close Park Mobile Trucks	Close Ave, Bruckner Blvd & Colgate Ave	N/A	X195-A-MT	1/1/2020	12/31/2024
Mapes Ballfield Mobile Truck	Prospect Ave, E 181 St	N/A	X289-MT	1/1/2020	12/31/2024
Concrete Plant Playground Non- Processing Cart; or Processing Cart	In Front Of Concrete Lounge Chairs	Bronx River Alliance, Inc.	X305-C	1/1/2020	12/31/2024
Barretto Point Park Mobile Truck	Tiffany St. Viele Ave, E. River	N/A	X307-MT	1/1/2020	12/31/2024
Mosholu Parkway Mobile Truck	Jerome Ave, & Mosholu Parkway	N/A	X335-MT	1/1/2020	12/31/2024

Hunts Point Riverside Park, Recreation Center and Playground Mobile Truck	Hunts Point park, Recreation Center, and Playground	N/A	X336-1-MT	1/1/2020	12/31/2024
Mill Pond Park Mobile Truck	Gateway Canter Blvd.	N/A	X344-MT	1/1/2020	12/31/2024

BROOKLYN

<u>Park; and Mobile Food Unit Type</u>	<u>Vending Location</u>	<u>Required Additional Indemnities (per section 26 of the General Conditions)</u>	<u>PARKS Permit Property#</u>	<u>Date Available</u>	<u>Expiration Date</u>
William E. Kelly Park Mobile Truck	Avenue S and E. 15th Street	N/A	B51-MT	1/1/2020	12/31/2024
Marine Park Mobile Truck	Avenue U Parking Lot and the Oval	N/A	B57-3-MT	1/1/2020	12/31/2024
McCarren Park Non- Processing Cart; or Processing Cart	Lorimer, Bayard and Union Streets	N/A	B58-2-C	1/1/2020	12/31/2024
McKinley Park Non- Processing Cart; or Processing Cart	At Bay Ridge and Ft. Hamilton Parkways	N/A	B60-C	1/1/2020	12/31/2024
Owl's Head Park Non- Processing Cart; Processing Cart or Mobile Truck	Colonial Road at 67th and 68th Streets	N/A	B66-MT	1/1/2020	12/31/2024
Shore Road Park Non- Processing Cart; or Processing Cart	The promenade at Bay Ridge Ave and Belt Parkway	N/A	B82-5-C	1/1/2020	12/31/2024
Shore Road Park Non- Processing Cart; Processing Cart or Mobile Truck	Along Shore Road between 77th and 79th Streets	N/A	B82-5-MT	1/1/2020	12/31/2024

Seth Low Playground Non- Processing Cart; or Processing Cart	Between Bay Parkway and Avenue P	N/A	B100-C	1/1/2020	12/31/2024
Sixteen Sycamores Playground Mobile Truck	Schermerhorn Street between Nevis Street and 3rd Ave.	N/A	B137-MT	1/1/2020	12/31/2024
Sperandeo Brothers Playground Non- Processing Cart; or Processing Cart	Linwood Street and Elton/Atlantic Avenues	N/A	B163-C	1/1/2020	12/31/2024
Paerdegat Park Non- Processing Cart; Processing Cart or Mobile Truck	Foster Avenue, Albany Road and Farragut Road	N/A	B218-MT	1/1/2020	12/31/2024
Fox Playground Mobile Truck	Avenue H and Avenue I Between E. 54th and E. 55th Streets	N/A	B248-MT	1/1/2020	12/31/2024
West Playground Non- Processing Cart; Processing Cart or Mobile Truck	West St. between Avenue Y and Avenue Z	N/A	B252-MT	1/1/2020	12/31/2024
George Wingate HS Playground Mobile Truck	Winthrop Street between Brooklyn Avenue and Kingston Avenue	N/A	B254-MT	1/1/2020	12/31/2024
Railroad Playground Mobile Truck	East 91st Street and Ditmas Avenue	N/A	B271-MT	1/1/2020	12/31/2024
Harry Maze Playground Mobile Truck	Avenue D and East 56th Street	N/A	B285-MT	1/1/2020	12/31/2024
Hickman Playground Mobile Truck	Veteran's Avenue between E. 66th and E. 68th Streets	N/A	B330-MT	1/1/2020	12/31/2024
100% Playground Mobile Truck	East 101st Street and Glenwood Road	N/A	B342-MT	1/1/2020	12/31/2024
Bergen Beach Playground Non- Processing Cart; Processing Cart or Mobile Truck	East 71st Street, between Avenues N and T	N/A	B353-MT	1/1/2020	12/31/2024
Remsen Playground Mobile Truck	Glenwood Road and Remsen Avenue	N/A	B360-MT	1/1/2020	12/31/2024

MANHATTAN

<u>Park Mobile Food Unit Type</u>	<u>Vending Location</u>	<u>Required Additional Indemnitees (per section 26 of the General Conditions)</u>	<u>PARKS Permit Property#</u>	<u>Date Available</u>	<u>Expiration Date</u>
The Battery (Park) Non-Processing Mobile Units	Operation of two (2) mobile food units at Locations 1 and 4 (See Exhibit D)	Battery Conservancy, Inc.	M5-(2)-C	1/1/2020	12/31/2024
The Battery (Park) Non-Processing Mobile units	Operation of four (4) mobile food units at Locations 2, 3, 5, and 6 (See Exhibit D)	Battery Conservancy, Inc.	M5-(4)-C	1/1/2020	12/31/2024
Central Park Non-Processing Unit	Bethesda Upper Terrace, along 72 nd Street	Central Park Conservancy, Inc.	M10-72-2C	01/01/2020	12/31/2024
Central Park Non-Processing Unit	East side of Sheep Meadow, near East 66 th Street	Central Park Conservancy, Inc.	M10-E66-SM-C	01/01/2020	12/31/2024
Central Park Non-Processing Unit	West Drive and West 86 th Street	Central Park Conservancy, Inc.	M10-86-WD-C	01/01/2020	12/31/2024
Central Park Non-Processing Unit	West 72 nd Street path west of the Daniel Webster Monument	Central Park Conservancy, Inc.	M10-72-3-C	01/01/2020	12/31/2024
Central Park Non-Processing Unit	West Drive between West 74 th Street and West 75 th Streets	Central Park Conservancy, Inc.	M10-74-WD-C	01/01/2020	12/31/2024
Central Park Non-Processing Unit	Path (at the north side of East 72 nd Street Transverse) that leads to Conservatory Water	Central Park Conservancy, Inc.	M10-72-CW-C	01/01/2020	12/31/2024
Central Park Non-Processing Unit	East Drive and East 84 th Street	Central Park Conservancy, Inc.	M10-84-ED-C	01/01/2020	12/31/2024
Central Park Non-Processing Unit	Literary Walk across from the Robert Burns Statue	Central Park Conservancy, Inc.	M10-E66-CD-C	01/01/2020	12/31/2024
A. Phillip Randolph Square Non-Processing Unit	Parkside, Saint Nicolas Avenue between West 116 th and West 117 th Streets	N/A	M21-C	01/01/2020	12/31/2024
Highbridge Park Mobile Truck	West 180 th Street and Amsterdam Avenue	New York Restoration Project	M37-8-MT	01/01/2020	12/31/2024

Highbridge Park Mobile Truck	West 173 rd Street and Amsterdam Avenue	New York Restoration Project	M37-3-MT	01/01/2020	12/31/2024
Highbridge Park Mobile Truck	West 177 th Street and Amsterdam Avenue	New York Restoration Project	M37-7-MT	01/01/2020	12/31/2024
James J. Walker Park Pool Non- Processing Unit	Carmine Pool, Clarkson St. & 7th Avenue	N/A	M38-C	01/01/2020	12/31/2024
Harlem River Driveway Non- Processing Unit; Processing Unit or Mobile Truck	Harlem River Park, East 128th Street and Lexington Avenue, park side at 128th Street	N/A	M39-(2)-C/MT	01/01/2020	12/31/2024
Inwood Hill Non-Processing Unit	Inwood Hill Park, near playground, Indian Road and West 214 th Street	N/A	M42-1-C	01/01/2020	12/31/2024
Inwood Hill Processing Unit	Southern perimeter of the soccer field	N/A	M42-2-C	01/01/2020	12/31/2024
Inwood Hill Processing Unit	Seaman Avenue and Isham Street entrance to Inwood Hill Park	N/A	M42-4-C	01/01/2020	12/31/2024
Inwood Hill Park Processing Unit	Along the path on the perimeter of the southern soccer fields, Dyckman Fields	N/A	M42-10-C	01/01/2020	12/31/2024
Inwood Hill Park Processing Unit	Along the path on the perimeter of the northern soccer fields, Dyckman Fields	N/A	M42-11-C	01/01/2020	12/31/2024
Inwood Hill/Isham Park Mobile Truck	Seaman Avenue and West 204 th Street; Seaman Avenue and Isham Street; West 214 th Street and Indian Road, and Isham Street and Park Terrace West	N/A	M42/M43-MT	01/01/2020	12/31/2024
Isham Park Non- Processing Unit	Northwest corner, Cooper & Isham Streets, across from school; after 11:00 a.m.	N/A	M43-1-C	01/01/2020	12/31/2024
Morningside Park Processing Unit	Morningside Drive, between West 113 & West 114 Streets, near Saint Luke's Hospital Outpatient Clinics; until 11 a.m.	N/A	M56-C	01/01/2020	12/31/2024

Marcus Garvey Park Processing Unit	Between East 121 st and East 123 rd Street and Madison Avenue. With Parks' approval, concession may operate park side of Mount Morris Park West during special events	N/A	M58-C	01/01/2020	12/31/2024
Gertrude B. Kelly Playground Non-Processing Unit	At Park, 17th Street, between 8th and 9th Avenues	N/A	M66-(2)-C	01/01/2020	12/31/2024
Saint Vartan Park Non-Processing Unit	1st Av. Between East 35 & East 36 Streets	N/A	M76-C	01/01/2020	12/31/2024
Gertrude B. Kelly Playground Non-Processing Unit	At Park, 17th Street, between 8th and 9th Avenues	N/A	M66-(2)-C	01/01/2020	12/31/2024
Riverside Park Non-Processing Unit	West 91 st Street and Riverside Drive	Riverside Park Conservancy, Inc.	M71-W91-(1)-C	01/01/2020	12/31/2024
Riverside Park Non-Processing Unit	Near entrance to West 91 st Street Playground	Riverside Park Conservancy, Inc.	M71-W91-(2)-C	01/01/2020	12/31/2024
Riverside Park Non-Processing Unit	West 109 th Street and Riverside Drive	Riverside Park Conservancy, Inc.	M71-W109-C	01/01/2020	12/31/2024
Riverside Park Non-Processing Unit	Northern end of the West 96 th Street Tennis Courts	Riverside Park Conservancy, Inc.	M71-W96-C	01/01/2020	12/31/2024
Riverside Park Non-Processing Unit	West 97 th Street and Riverside Drive	Riverside Park Conservancy, Inc.	M71-W97-C	01/01/2020	12/31/2024
Riverside Park Processing Unit	Between North and South Parking Lots (not inside Parking Lot) at approximately West 150 th Street, Riverside Park (North)	Riverside Park Conservancy, Inc.	M72-W151-C	01/01/2020	12/31/2024
Saint Nicholas Park Processing Unit	Saint Nicholas Terrace between Convent Avenue and West 135th Street, behind City College	N/A	M77-C	01/01/2020	12/31/2024
Sakura Park Non-Processing Unit	Sakura Park, east side of Riverside Drive and West 122 nd Street, near Playground entrance	Riverside Park Conservancy, Inc.	M87-W122-C	01/01/2020	12/31/2024

Robert Moses Playground Processing Unit	East 41 St. between 1 st Avenue & FDR Drive	N/A	M158-C	01/01/2020	12/31/2024
Fred Samuel Playground Mobile Truck	Fred Samuels Playground (Lenox Ave, W139-W140 Sts.), Renaissance Park (F. Douglass Blvd., W143-W144 Sts.), Holcombe Rucker Park (F. Douglass Blvd. & W155 St.)	N/A	M160/M216-MT	01/01/2020	12/31/2024
Asser Levy Recreation Center Non-Processing Unit	Outside the pool area at Asser Levy Pool, at East 23 rd St. and Asser Levy Place. Exact location subject to approval.	N/A	M164-C	01/01/2020	12/31/2024
Abraham Lincoln Playground Processing Unit	Southeast corner of 135 Street. & 5th Avenue	N/A	M193-C	01/01/2020	12/31/2024
Jacob Schiff Playground Processing Unit	Southwest corner of Amsterdam Avenue and West 138 th Street	N/A	M223-C	01/01/2020	12/31/2024
P.S. 155 Playground Mobile Truck	East 117 th Street to East 118 th Street, between 1 st and 2 nd Avenue	N/A	M239-MT	01/01/2020	12/31/2024
Dry Dock Outdoor Pool Non-Processing Unit	East 10 th Street and Szold Plaza	NA	M270-C	01/01/2020	12/31/2024
Glick Non-Processing Unit	East River Esplanade at East 37th Street. Adjacent to East 37 th Street entrance outside of Glick Park.	NA	M289-C	01/01/2020	12/31/2024
NYC AIDS Memorial Park at Saint Vincent's Triangle Non-Processing Unit\Green Cart	South west corner of West 12 th Street, adjacent to park entrance	NA	M404-C	01/01/2020	12/31/2024

QUEENS

<u>Park; and Mobile Food Unit Type</u>	<u>Vending Location</u>	<u>Required Additional Indemnities (per section 26 of the General Conditions)</u>	<u>PARKS Permit Property#</u>	<u>Date Available</u>	<u>Expiration Date</u>
Poppenhusen Playground Processing Cart	20th Avenue, between 123 Street & 124 Street	N/A	Q011-C	1/1/2020	12/31/2024
Grover Cleveland Park Mobile Truck	Stanhope Street and Grandview Avenue	N/A	Q2-MT	1/1/2020	12/31/2024
Astoria Park Non- Processing Cart	South Entrance, next to Basketball courts	N/A	Q4-7-C	1/1/2020	12/31/2024
Baisley Pond Park Processing Cart	118th Avenue & 155th Street	N/A	Q5-C	1/1/2020	12/31/2024
Baisley Pond Park Processing Cart	150th Street & Rockaway Blvd	N/A	Q5-1-C	1/1/2020	12/31/2024
Bayswater Park Mobile Truck	Along Bay 32 nd Street between Beach Channel Drive & Falcon Ave	N/A	Q7-MT	1/1/2020	12/31/2024
MacNeil Park Mobile Truck	Poppenhusen Ave between 115th St & College Place	N/A	Q9-MT	1/1/2020	12/31/2024
Little Bay Park Mobile Truck	Totten Ave & Bell Blvd	N/A	Q10-A-MT	1/1/2020	12/31/2024
Astoria Heights Playground Mobile Truck	30th Road between 45th & 46th Streets	N/A	Q14-MT	1/1/2020	12/31/2024
Forest Park Non-Processing Cart	Southern End of Running Track @ Victory Field	Forest Park Trust, Inc.	Q15-C	1/1/2020	12/31/2024
Forest Park Processing Cart	Jackson Pond Playground, near the intersection of Park Lane South & 108th Street	Forest Park Trust, Inc.	Q15-3-C	1/1/2020	12/31/2024
Cunningham Park Mobile Truck	Union Turnpike & 193 rd Street	N/A	Q21-1-MT	1/1/2020	12/31/2024

Cunningham Park Mobile Truck	73 rd Avenue, Francis Lewis Boulevard & 210 th Street	N/A	Q21-2-MT	1/1/2020	12/31/2024
Equity Park Mobile Truck	Along 88th & 89th Ave, between 90th & 91st St	N/A	Q53-MT	1/1/2020	12/31/2024
Triangle 90 Processing Cart	90 th St & Roosevelt Ave	N/A	Q68-C	1/1/2020	12/31/2024
Gorman Playground Mobile Truck	84th Street between 25th Avenue & 30th Avenue	N/A	Q85-MT	1/1/2020	12/31/2024
Edward Byrne Park Mobile Truck	135 th Ave between 131 st & 132 nd Streets	N/A	Q92-MT	1/1/2020	12/31/2024
Flushing Meadows Corona Park Processing Cart	Outer pathway near Unisphere & Avenue of Africa	Alliance for Flushing Meadows Corona Park Corp.	Q99-2-C	1/1/2020	12/31/2024
Flushing Meadows Corona Park Processing Cart	Intersection of Avenue of Commerce & Herbert Hoover Promenade	Alliance for Flushing Meadows Corona Park Corp.	Q99-6D-C	1/1/2020	12/31/2024
Flushing Meadows Corona Park Processing Cart	Intersection of Eisenhower Promenade & Avenue of Commerce	Alliance for Flushing Meadows Corona Park Corp.	Q99-6G-C	1/1/2020	12/31/2024
Flushing Meadows Corona Park Processing Cart	Flushing Meadows Corona Park West Volleyball Courts O1 near Carousel	Alliance for Flushing Meadows Corona Park Corp.	Q99-C	1/1/2020	12/31/2024
Juniper Valley Park Mobile Truck	Juniper Blvd S, between Dry Harbor Rd to 70th St	N/A	Q102-MT	1/1/2020	12/31/2024
Raymond O'Connor Park/Kennedy Playground Mobile Truck	Corporal Kennedy Street, from 32nd St to 33rd St	N/A	Q103-MT	1/1/2020	12/31/2024
Queensbridge Park Mobile Truck	Vernon Boulevard & 41st Avenue	N/A	Q104-MT	1/1/2020	12/31/2024
Woodside Plaza Mobile Truck	Woodside Ave & Roosevelt Ave	N/A	Q198-MT	1/1/2020	12/31/2024
Lt. Frank McConnell Park Processing Cart	Atlantic Ave to 94th Ave, between Lefferts Blvd to 120th Street	N/A	Q217-C	1/1/2020	12/31/2024

Utopia Playground Mobile Truck	177th Street & 73rd Street	N/A	Q294-MT	1/1/2020	12/31/2024
Paul Raimonda Playground Processing Cart	20 Ave between 47th & 48th Sts	N/A	Q298-C	1/1/2020	12/31/2024
Leo Ehrenreich-Austin Playground Mobile Truck	Along Austin St between 76th Avenue & 76th Drive	N/A	Q304-MT	1/1/2020	12/31/2024
Delphin H Greene Playground (PS 176) Mobile Truck	236th Street & 121st Avenue	N/A	Q307-MT	1/1/2020	12/31/2024
Fresh Meadows Playground (PS 173 Playground) Mobile Truck	67th Avenue & 173 St	N/A	Q314-MT	1/1/2020	12/31/2024
Annadale Playground Mobile Truck	65th Avenue between 102nd Street & Yellowstone Blvd	N/A	Q319-MT	1/1/2020	12/31/2024
Vleigh Playground (P.S. 165 Playground) Mobile Truck	Along 70th Road & 71st Avenue, between Kissena Blvd and 150th Street	N/A	Q320-MT	1/1/2020	12/31/2024
Woodtree Playground Mobile Truck	20th Avenue, between 37th & 38th Streets	N/A	Q332-MT	1/1/2020	12/31/2024
Playground Twenty One (P.S. 184 Playground) Mobile Truck	21 st Avenue & 166 th Street	N/A	Q334-MT	1/1/2020	12/31/2024
Judge Moses Weinstein Playground Mobile Truck	Vleigh Place & 41st Street	N/A	Q336-MT	1/1/2020	12/31/2024
Real Good Playground (Long Island Express Playground) Mobile Truck	62nd Avenue between 99th & 102nd Streets	N/A	Q357-B-MT	1/1/2020	12/31/2024
Louis C. Moser Playground Mobile Truck	25 th Ave & 76 th Street	N/A	Q366-MT	1/1/2020	12/31/2024
Joseph Austin Playground Mobile Truck	84 th Avenue & 164 th Place	N/A	Q391-MT	1/1/2020	12/31/2024

Albert Montbellier Park Mobile Truck	Perimeter of the park along East Gate Plaza, Springfield Boulevard & 139th Avenue	N/A	Q396-MT	1/1/2020	12/31/2024
JHS 93 Rosemary Playground Mobile Truck	Woodward Avenue & Woodbine Street	N/A	Q398-MT	1/1/2020	12/31/2024
East Springfield Playground (P.S. 147 Playground) Mobile Truck	115 th Rd between 218 th St & 219 th St	N/A	Q404-MT	1/1/2020	12/31/2024
Louis Armstrong Playground (P.S. 143 Playground) Non-Processing Cart	37 th Avenue between 112 th Street and 113 th Street	N/A	Q415-C	1/1/2020	12/31/2024
Louis Armstrong Playground (P.S. 143 Playground) Mobile Truck	37 th Avenue between 112 th Street and 113 th Street	N/A	Q415-MT	1/1/2020	12/31/2024
Horace-Harding Playground Mobile Truck	98th Street and 62nd Drive	N/A	Q428-MT	1/1/2020	12/31/2024
Athens Square Park Mobile Truck	30th Street & 30th Ave	N/A	Q436-MT	1/1/2020	12/31/2024
Murray Hill Playground (P.S. 22 Playground) Mobile Truck	Murray St & Sanford Ave	N/A	Q437-MT	1/1/2020	12/31/2024
Queens Farm Park (Creadmoor Soccer Fields) Mobile Truck	Service road adjacent to the soccer fields	N/A	Q453-MT	1/1/2020	12/31/2024

STATEN ISLAND

<u>Park; and Mobile Food Unit Type</u>	<u>Vending Location</u>	<u>Required Additional Indemnities (per section 26 of the General Conditions)</u>	<u>Parks Permit Property #</u>	<u>Date Available</u>	<u>Expiration Date</u>
Barrett Triangle Processing or Non-Processing Cart	Bay St (exact location subject to Parks' approval)	N/A	R4-C	1/1/2020	12/31/2024
Clove Lakes Park Non-Processing Cart	Martling Ave, between Slosson Ave & Brookside	N/A	R5-4-C	1/1/2020	12/31/2024
Cedar Grove Beach Mobile Trucks	New Dorp Lane, Cedar Grove Av, Cedar Grove Beach Pl.	N/A	R16-2-MT	1/1/2020	12/31/2024
FRESH KILLS Non-Processing Cart	Fresh Kills Owl Hollow Field	N/A	R-17-C	1/1/2020	12/31/2024
Tompkinsville Square Non- Processing Cart; Processing Cart or Mobile Truck	Bay St & Victory Blvd	N/A	R24-MT/C	1/1/2020	12/31/2024
Willowbrook Park Mobile Truck	Morani Street along the road or in the parking lot	Greenbelt Conservancy	R30-MT	1/1/2020	12/31/2024
Joseph H. Lyons Pool Mobile Truck	Victory Blvd, & Hannah St.	N/A	R43-MT	1/1/2020	12/31/2024
Stapleton (PS 41) Playground Mobile Truck	Tompkins Ave	N/A	R61-MT	1/1/2020	12/31/2024
Macarthur Park Mobile Truck	Jefferson St between Dongan Hills Ave & Seaver Ave	N/A	R67-MT	1/1/2020	12/31/2024
Clawson (PS 50) Playground Mobile Truck	Clawson St & Adelaide Ave	N/A	R72-MT	1/1/2020	12/31/2024

Father Macris Non-Processing Cart	Lamberts Lane & Arlene St	N/A	R75-A-C	1/1/2020	12/31/2024
Lemon Creek Park Mobile Truck	Sharrott Ave near Hylan Blvd	N/A	R79-MT	1/1/2020	12/31/2024
Prall Playground Mobile Truck	Forest Ave	N/A	R105-MT	1/1/2020	12/31/2024
Cpl. Thompson Park Non- Processing Cart; Processing Cart or Mobile Truck	Broadway, between Henderson & Skinner	N/A	R109-C /MT	1/1/2020	12/31/2024
Cpl Thompson Park Mobile Truck	Chappell Street Between Wayne Street and Henderson Ave	N/A	R109-2-MT	1/1/2020	12/31/2024
Luis R. Lopez Park Mobile Truck	Palma Dr, Targee St & Oder Ave	N/A	R125-MT	1/1/2020	12/31/2024

EXHIBIT B: DOHMH: MOBILE FOOD UNIT REQUIREMENTS

Supply and Equipment Requirements for Mobile Food Vending Units										
Type of Food Sold and Cooking Method	Permit Class	Potable water	Food and ware washing sinks	Hand wash sink	Waste water tank	Overhead structure	Ventilation	Cold holding	Hot holding	Thermometers
Processing	Potentially hazardous raw foods cooked on unit; e.g., fried and grilled sausages, poultry, shish kebab, hamburgers, eggs and gyros	A	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	Potentially hazardous prepared foods combined on the unit; e.g., sandwiches raw fruits, vegetables and salads, breads, bagels and rolls buttered or topped with cream cheese on the unit, smoothies and soft-serve ice cream	B	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	Potentially hazardous prepackaged foods; e.g., prepackaged frozen desserts, prepackaged sandwiches, and prepackaged and pre-sliced fruits and vegetables	C	No	No	No	Yes ³	Yes	No	Yes	Yes
Non-Processing	Non-potentially hazardous unpackaged or packaged foods; e.g., boiled frankfurters and sausages, brewed coffee and tea, donuts, pastries, rolls and bagels buttered or topped with cream cheese at a commissary, popcorn, cotton candy, nuts, candied nuts, soft pretzels, chestnuts	D	Yes ²	No	No	Yes ³	Yes	Yes ³	Yes ³	Yes ³
	Non-potentially hazardous uncut fruit and vegetables (including Green Carts)	E	No	No	No	Yes	No	No	No	No
Notes 1. Food and ware washing sinks may be separate or multi-compartment. A single sink is acceptable for food and ware washing if food is washed in a food-grade colander. 2. Waste water tanks are required when generating liquid waste from brewing coffee or tea, boiling frankfurters, or serving or using ice. 3. Hot and cold holding equipment or methods are required for potentially hazardous foods such as hot dogs, sausages or knishes.										

EXHIBIT C: PAID SICK LEAVE LAW CONCESSION AGREEMENT RIDER

Introduction and General Provisions

The Earned Sick Time Act, also known as the Paid Sick Leave Law (“PSLL”), requires covered employees who annually perform more than 80 hours of work in New York City to be provided with paid sick time.¹ Concessionaires of the City of New York or of other governmental entities may be required to provide sick time pursuant to the PSLL.

The PSLL became effective on April 1, 2014, and is codified at Title 20, Chapter 8, of the New York City Administrative Code. It is administered by the City’s Department of Consumer Affairs (“DCA”); DCA’s rules promulgated under the PSLL are codified at Chapter 7 of Title 6 of the Rules of the City of New York (“Rules”).

The Concessionaire agrees to comply in all respects with the PSLL and the Rules, and as amended, if applicable, in the performance of this agreement. The Concessionaire further acknowledges that such compliance is a material term of this agreement and that failure to comply with the PSLL in performance of this agreement may result in its termination.

The Concessionaire must notify the Concession Manager in writing within ten (10) days of receipt of a complaint (whether oral or written) regarding the PSLL involving the performance of this agreement. Additionally, the Concessionaire must cooperate with DCA’s education efforts and must comply with DCA’s subpoenas and other document demands as set forth in the PSLL and Rules.

The PSLL is summarized below for the convenience of the Concessionaire. The Concessionaire is advised to review the PSLL and Rules in their entirety. On the website www.nyc.gov/PaidSickLeave there are links to the PSLL and the associated Rules as well as additional resources for employers, such as Frequently Asked Questions, timekeeping tools and model forms, and an event calendar of upcoming presentations and webinars at which the Concessionaire can get more information about how to comply with the PSLL. The Concessionaire acknowledges that it is responsible for compliance with the PSLL notwithstanding any inconsistent language contained herein.

Pursuant to the PSLL and the Rules:

Applicability, Accrual, and Use

An employee who works within the City of New York for more than eighty hours in any consecutive 12-month period designated by the employer as its “calendar year” pursuant to the PSLL (“Year”) must be provided sick time. Employers must provide a

¹ Pursuant to the PSLL, if fewer than five employees work for the same employer, as determined pursuant to New York City Administrative Code §20-912(g), such employer has the option of providing such employees uncompensated sick time.

minimum of one hour of sick time for every 30 hours worked by an employee and compensation for such sick time must be provided at the greater of the employee's regular hourly rate or the minimum wage. Employers are not required to provide more than forty hours of sick time to an employee in any Year.

An employee has the right to determine how much sick time he or she will use, provided that employers may set a reasonable minimum increment for the use of sick time not to exceed four hours per day. In addition, an employee may carry over up to forty hours of unused sick time to the following Year, provided that no employer is required to allow the use of more than forty hours of sick time in a Year or carry over unused paid sick time if the employee is paid for such unused sick time and the employer provides the employee with at least the legally required amount of paid sick time for such employee for the immediately subsequent Year on the first day of such Year.

An employee entitled to sick time pursuant to the PSSL may use sick time for any of the following:

- such employee's mental illness, physical illness, injury, or health condition or the care of such illness, injury, or condition or such employee's need for medical diagnosis or preventive medical care;
- such employee's care of a family member (an employee's child, spouse, domestic partner, parent, sibling, grandchild or grandparent, or the child or parent of an employee's spouse or domestic partner) who has a mental illness, physical illness, injury or health condition or who has a need for medical diagnosis or preventive medical care;
- closure of such employee's place of business by order of a public official due to a public health emergency; or
- such employee's need to care for a child whose school or childcare provider has been closed due to a public health emergency.

An employer must not require an employee, as a condition of taking sick time, to search for a replacement. However, an employer may require an employee to provide: reasonable notice of the need to use sick time; reasonable documentation that the use of sick time was needed for a reason above if for an absence of more than three consecutive work days; and/or written confirmation that an employee used sick time pursuant to the PSSL. However, an employer may not require documentation specifying the nature of a medical condition or otherwise require disclosure of the details of a medical condition as a condition of providing sick time and health information obtained solely due to an employee's use of sick time pursuant to the PSSL must be treated by the employer as confidential.

If an employer chooses to impose any permissible discretionary requirement as a condition of using sick time, it must provide to all employees a written policy containing those requirements, using a delivery method that reasonably ensures that employees receive the policy. If such employer has not provided its written policy, it may not deny sick time to an employee because of non-compliance with such a policy.

Sick time to which an employee is entitled must be paid no later than the payday for the next regular payroll period beginning after the sick time was used.

Exemptions and Exceptions

Notwithstanding the above, the PSLL does not apply to any of the following:

- an independent contractor who does not meet the definition of employee under section 190(2) of the New York State Labor Law;
- an employee covered by a valid collective bargaining agreement in effect on April 1, 2014 until the termination of such agreement;
- an employee in the construction or grocery industry covered by a valid collective bargaining agreement if the provisions of the PSLL are expressly waived in such collective bargaining agreement;
- an employee covered by another valid collective bargaining agreement if such provisions are expressly waived in such agreement and such agreement provides a benefit comparable to that provided by the PSLL for such employee;
- an audiologist, occupational therapist, physical therapist, or speech language pathologist who is licensed by the New York State Department of Education and who calls in for work assignments at will, determines his or her own schedule, has the ability to reject or accept any assignment referred to him or her, and is paid an average hourly wage that is at least four times the federal minimum wage;
- an employee in a work study program under Section 2753 of Chapter 42 of the United States Code;
- an employee whose work is compensated by a qualified scholarship program as that term is defined in the Internal Revenue Code, Section 117 of Chapter 20 of the United States Code; or
- a participant in a Work Experience Program (WEP) under section 336-c of the New York State Social Services Law.

Retaliation Prohibited

An employer may not threaten or engage in retaliation against an employee for exercising or attempting in good faith to exercise any right provided by the PSLL. In addition, an employer may not interfere with any investigation, proceeding, or hearing pursuant to the PSLL.

Notice of Rights

An employer must provide its employees with written notice of their rights pursuant to the PSLL. Such notice must be in English and the primary language spoken by an employee, provided that DCA has made available a translation into such language. Downloadable notices are available on DCA's website at <http://www.nyc.gov/html/dca/html/law/PaidSickLeave.shtml>.

Any person or entity that willfully violates these notice requirements is subject to a civil penalty in an amount not to exceed fifty dollars for each employee who was not given appropriate notice.

Records

An employer must retain records documenting its compliance with the PSSL for a period of at least three years, and must allow DCA to access such records in furtherance of an investigation related to an alleged violation of the PSSL.

Enforcement and Penalties

Upon receiving a complaint alleging a violation of the PSSL, DCA has the right to investigate such complaint and attempt to resolve it through mediation. Within 30 days of written notification of a complaint by DCA, or sooner in certain circumstances, the employer must provide DCA with a written response and such other information as DCA may request. If DCA believes that a violation of the PSSL has occurred, it has the right to issue a notice of violation to the employer.

DCA has the power to grant an employee or former employee all appropriate relief as set forth in New York City Administrative Code 20-924(d). Such relief may include, among other remedies, treble damages for the wages that should have been paid, damages for unlawful retaliation, and damages and reinstatement for unlawful discharge. In addition, DCA may impose on an employer found to have violated the PSSL civil penalties not to exceed \$500 for a first violation, \$750 for a second violation within two years of the first violation, and \$1,000 for each succeeding violation within two years of the previous violation.

More Generous Policies and Other Legal Requirements

Nothing in the PSSL is intended to discourage, prohibit, diminish, or impair the adoption or retention of a more generous sick time policy, or the obligation of an employer to comply with any contract, collective bargaining agreement, employment benefit plan or other agreement providing more generous sick time. The PSSL provides minimum requirements pertaining to sick time and does not preempt, limit or otherwise affect the applicability of any other law, regulation, rule, requirement, policy or standard that provides for greater accrual or use by employees of sick leave or time, whether paid or unpaid, or that extends other protections to employees. The PSSL may not be construed as creating or imposing any requirement in conflict with any federal or state law, rule or regulation.

EXHIBIT D: MOBILE VENDING LOCATIONS AT THE BATTERY

