



Request for Bids

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

ISSUE DATE: March 16, 2016

SOLICITATION # CWB-2016B

www.nyc.gov/parks

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NYC Parks

REQUEST FOR BIDS (RFB)

The City of New York Department of Parks & Recreation (“Parks”) requests bids 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. A longer term will not be considered. These concessions will be operated pursuant to Permit Agreement(s) ("Permits") 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 on December 31, 2020. The years offered are defined as follows:

- Year 1:** Effective date through December 31, 2016
- Year 2:** January 1, 2017 through December 31, 2017
- Year 3:** January 1, 2018 through December 31, 2018
- Year 4:** January 1, 2019 through December 31, 2019
- Year 5:** January 1, 2020 through December 31, 2020

NOTE: The first year's annual flat fee will be prorated accordingly, to accommodate for the period between January 1, 2016 and the effective date, during which the concessionaire will not be permitted to operate.

PROJECT MANAGERS

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

<u>Project Manager:</u>	<u>Borough:</u>	<u>Email:</u>
Eric Weiss	Brooklyn	Eric.Weiss@parks.nyc.gov
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All Project Managers may be reached by phone at (212) 360-1397 or Fax: (212) 360-3434.



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: March 16, 2016**
- Bid Due Date & Time: April 7, 2016 at 11:00 a.m.**



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 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 serve 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.

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, serve, and display food intended for individual portion service. Concessionaires must obtain a Class D DOHMH Permit 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* for additional information.

Pushcart – Size and Equipment

Unless approved otherwise 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 concessionaire 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 auxiliary mobile food units for the sale of ice cream cannot exceed 3' x 3'.

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 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 will be prohibited from utilizing processing/cooking grills at the Premises. All menu items and prices are subject to Parks' prior written approval.

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 pushcart 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	\$2.00
Pretzel Dogs	\$4.00
Specialty pretzels	\$3.00
Knishes	\$2.00
Empanadas (Pre-processed)	
Chicken, Beef or Vegetable	\$3.00
Pirates Booty	\$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., plastic bottle only)	\$3.00
Snapple (20 fl. oz., plastic bottle only)	\$3.00
Specialty Soda and Juice (12.0 fl. oz.)	\$3.00
Milk Chillers	\$3.00
Bottled water (16.9. fl. oz.) †	\$2.00
Bottled water (24 fl. oz.) †	\$3.00
100% Fruit Juice (8.0 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.)	\$3.00
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

All beverages must be sold in cans, plastic bottles or aseptic containers

♦ *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 16.9 fl. oz. or 24.0 fl. oz. bottled water products.*

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.

Pushcart – Ice Cream Products

Each pushcart concessionaire may operate a 3' x 3' freezer cart attachment for the sale of ice cream products. The following menu is a complete list of menu items that may be sold at all vending locations where prepackaged ice cream deserts are permitted and the **highest prices** that may be charged for these items. Under no circumstances may any pushcart 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**

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)	\$3.00
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>Items</u>	
Sponge Bob Bars	\$3.00
Popsicle Shots	\$3.00

Frozen Fruit Bars/Pops	\$3.00
Popsicles\Lifesaver\Fire Cracker	\$2.00
Scooby Doo Push Ups	\$2.00
Nestle Ice Cream Bars	\$2.00

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

<u>Item</u>	<u>Maximum Price</u>
Häagen-Dazs Ice Cream Bars (All Varieties)	\$5.00
Magnum Ice Cream Bars (All Varieties)	\$4.00
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.

Pushcart – Nut and Dried Fruit Products

NOTE: Unless otherwise noted, if the concessionaire operates in cold weather the concessionaire may substitute the optional ice cream cart with a nut and dried fruit cart up to 3' x 3' in size. Concessionaires may not operate both an ice cream cart and a nut and dried fruit cart 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 pushcart 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
Honey roasted nuts	\$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

Processing carts and processing mobile trucks are Mobile Food Units that are 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.

*** Unless otherwise approved by Parks, prepackaged hard frozen dessert products may only be sold at ice cream carts and non-processing mobile ice cream trucks. Soft ice cream products (such as custards, milk shakes, etc.) may only be sold at processing mobile ice cream trucks.**

Processing Carts & Processing Mobile Trucks - Size and Equipment

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.

To review all New York City Department of Health and Mental Hygiene regulations on mobile vending please visit their website at <http://www.nyc.gov/html/doh/html/food/food-service-mobile.shtml>

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 decaled by FDNY before use at the vending location. Violators will be subject to fines and confiscation of propane tanks.

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 ethnically diverse food items on the menu list, which may include, but are not limited to, salads, fresh fruit, yogurt, bottled 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.

Non-Processing Mobile Trucks

Non-processing mobile trucks are motorized vehicles utilized for the sale of pre-packaged foods and ice cream or foods which require limited preparation. For example, a non-processing mobile food truck may sell pre-processed (such as heat and serve) empanadas. A processing mobile food truck may prepare, assemble ingredients and cook the empanadas at the concession site.

NOTE: Concessionaires will be prohibited from utilizing processing/cooking grills at any non-processing mobile truck vending locations or otherwise selling food which requires processing. All menu items and prices are subject to Parks' prior written approval.

Non-Processing Mobile Trucks – Menu Items

The following menu is a complete list of items that may be sold at all non-processing mobile truck vending locations and the **highest prices** that may be charged for these items. Under no circumstances may any non-processing mobile truck 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	\$2.00
Pretzel Dogs	\$4.00
Specialty pretzels	\$3.00
Knishes	\$2.00
Empanadas (Pre-processed)	
Chicken, Beef or Vegetable	\$3.00
Pirates Booty	\$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
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., plastic bottle only)	\$3.00
Snapple (20 fl. oz., plastic bottle only)	\$3.00
Specialty Soda and Juice (12.0 fl. oz.)	\$3.00
Milk Chillers	\$3.00
Bottled water (16.9. oz.) †	\$2.00
Bottled water (24 fl. oz.) †	\$3.00
100% Fruit Juice (8.0 fl. oz. To 20 fl. oz.)	\$3.00
Carrot Juice (16.0 fl. oz.)	\$5.00
Green Juice (16.0 fl. oz.)	\$5.00
Orange Juice (15.2 - 16 fl. oz.)	\$2.00
Ice tea or Lemonade (16.0 fl. oz. to 16.9 fl. oz.)	\$3.00
Seltzer (16.0 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.)	\$3.00
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

All beverages must be sold in cans, plastic bottles or aseptic containers.

♦ **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 16.9 fl. oz. or 24 fl. oz. bottled water products.**

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

Non-Processing Mobile Trucks – Ice Cream Products

The following menu is a complete list of menu items that may be sold at all vending locations where prepackaged ice cream deserts are permitted and the **highest prices** that may be charged for these items. Under no circumstances may any pushcart 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**

3. *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)	\$3.00
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>Items</u>	
Sponge Bob Bars	\$3.00
Popsicle Shots	\$3.00
Frozen Fruit Bars/Pops	\$3.00
Popsicles\Lifesaver\Fire Cracker	\$2.00
Scooby Doo Push Ups	\$2.00
Nestle Ice Cream Bars	\$2.00

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

<u>Item</u>	<u>Maximum Price</u>
<u>Häagen-Dazs</u> Ice Cream Bars (All Varieties)	\$5.00
Magnum Ice Cream Bars (All Varieties)	\$4.00
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.

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 bidder 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 its Mobile Food Unit is located is open. Mobile Food Units must vacate the Premises before the park closes; Mobile Food Units may not remain at the vending location overnight. For example, if the park closing time is 10 p.m., a concessionaire must vacate the park by 10 p.m.

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 a DOHMH Mobile Food Vending Unit permit for the concessionaire's Mobile Food Unit and 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, Monday through Friday 9:00 a.m. to 5:00 p.m. or 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 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.

DOHMH Letter Grades

Bidders should note that the Mobile Food Vending Units, trucks or carts, or both, of concessionaires may become subject to a DOHMH letter grading program. The current program 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: <http://www.nyc.gov/html/doh/html/rii/grading.shtml>.

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.

Permit Decal

Each Permit shall become effective upon the concessionaire's receipt of a written Notice to Proceed. A Parks Permit Decal and 311 sign for the Mobile Food Unit and a 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 \$50.00 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 electronic cigarette advertising shall be prohibited, as defined in Section 17-502 of the Administrative Code of the City of New York. The display or placement of advertising of alcoholic beverages shall not be permitted. 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.

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

Concessionaires must only operate the Mobile Food Unit(s) at vending location(s) described in *Exhibit A* and in the 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/findaproduct/index.cfm>. 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.

Special Events

New York City Parks are the site of many special events (including parades) throughout the year. In the interest of public safety, the City may enforce security directives during special events. Security directives may require 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 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
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, 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. 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 \$1,000,000 per occurrence, 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 \$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, as an additional insured, with coverage at least as broad as the most recently issued Insurance Services Office (ISO) Form GC 20 26, and the City'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 Business Automobile Liability insurance in the amount of \$1,000,000 for each accident** (combined single limit) for liability arising out of ownership, maintenance or use of any owned, non-owned, or hired vehicles.
 - (d) Bidders are on notice that the City may require other types of insurance and/or higher liability limits and other terms if, in the opinion of the Commissioner, the proposed program warrants it.
5. Within sixty (60) days of the end of each operating 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 at all 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 alcohol, cigarettes (including electronic cigarettes), cigars, or any other tobacco products are prohibited. The concessionaire will be required to adhere to and enforce this policy.
 10. Smoking of any tobacco product and the use of electronic cigarettes is 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. Gross receipts shall exclude the amount of any Federal, State, or City sales taxes which are paid by the concessionaire.

12. 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. Concessionaires 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 the City, and, if the concession is located in Central Park or on the perimeter of Central Park, also to indemnify the CPC, for claims arising out of the concessionaire's operations under the Permit, pursuant to a provision to be included in the Permit.
16. Concessionaires will be required to comply with all City, State and Federal laws relating to access for persons with disabilities. This includes providing safe and accessible recreational opportunities for everyone. 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 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.
18. If concessionaires do 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 permit may be reviewed or obtained at no cost, commencing on March 16, 2016 through April 7, 2016 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: <http://www.epa.gov/cpg/products/printing.htm>). 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 8 ½" x 11". No telegraphic 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 in each envelope (including required attachments).

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

- **Bidder's Name and Address**
- **Solicitation # CWB-2016B**
- **Park Vending Location and Property Number on which the bidder is bidding.**
- **Bid Due Date & Time: Thursday, April 7, 2016 at 11:00 AM**

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 fee offer for each vending location they are bidding on, even if the vending locations are in the same park.

2. **Parks has established a minimum bid of one thousand dollars (\$1,000.00) per Park vending location for each year of the Permit's Term. Parks will not accept 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 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 Thursday, April 7, 2016 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 the 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 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.

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 Capital Investment and 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-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 PROCEDURES

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

The 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 CWB2016B
For the Sale of Food from Mobile Food Units at Various Parks Citywide
Bid Form – Fee Offer

BID DUE DATE & TIME: Thursday, April 7, 2016 at 11:00AM

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
(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 in the second year's Permit fee and a further increase in the fee for each subsequent operating year. Parks strongly encourages an increase of **at least 5%** between operating years.

SOLICITATION CWB2016B

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

BID DUE DATE & TIME: Thursday, April 7, 2016 at 11:00AM

Additional Information

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: () _____

E-MAIL: _____

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

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

Description

Expiration Date

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: PARK VENDING LOCATIONS CITYWIDE

BRONX VENDING LOCATIONS

<u>Park Mobile Food Unit Type</u>	<u>Bronx Vending Location</u>	<u>Property #</u>	<u>Date Available</u>
Mobile Truck	Along Kingsbridge Road	X1B-MT	1/1/2016
Mobile Truck	Along Bronx Park East between Brady and Lydig Avenues	X2(3)-MT	1/1/2016
Processing Cart	Morrison Avenue in front of Parque De Los Ninos entrance	X4A-C	1/1/2016
Non-Processing Cart	At the corner of Oakpoint Avenue and Longfellow Avenue	X15-C	1/1/2016
Mobile Truck	Along Sedgewick Avenue	X20-MT	1/1/2016
Processing Cart	On the corner of E165th Street and River Avenue, in front of the entrance to the park	X34-C	1/1/2016
Mobile Truck	Rodman's Neck Parking Lot	X39-E-MT	1/1/2016
Mobile Truck	At the entrance by Grand Concourse and E192nd Street	X40-MT	1/1/2016
Mobile Truck	The Dead End of Sound View Avenue	X88-MT	1/1/2016
Mobile Truck	Along Lacombe Avenue, Pugsley Avenue, Randall Avenue, and Stickball Boulevard	X88(2)-MT	1/1/2016
<u>Bronx Vending Locations Continue Next Page</u>			

<u>Park Mobile Food Unit Type</u>	<u>Bronx Vending Location</u>	<u>Property #</u>	<u>Date Available</u>
Van Cortlandt Park Non-Processing Cart	Off Mansion Road	X92-1A-C	1/1/2016
Van Cortlandt Park Mobile Truck	Van Cortlandt Park East and E 233 Street	X92(12)-MT	1/1/2016
Van Cortlandt Park: Classic Playground Non-Processing Cart	Van Cortlandt Park South, near entrance to Classic Playground	X92(12)-C	1/1/2016
Soundview Park Mobile Truck	Randall, Metcalf, and Lacombe Avenues	X118-MT	1/1/2016
Waterbury Park Mobile Truck	Bradford, Edison, La Salle, and Waterbury Avenues	X121-MT	1/1/2016
Colucci Playground Mobile Truck	On the corner of Hutchinson River Parkway and Wilkinson Avenue	X122-MT	1/1/2016
Ferry Point Park Mobile Truck	In the South parking lot adjacent to Hutchinson River Parkway	X126-MT	1/1/2016
Harris Park Mobile Truck	On Weekends: Near the middle of 205th St. between Paul and Goulden Avenues On Weekdays: main entrances to the park next to the park house	X136-MT	1/1/2016
Starlight Park Processing Cart	Entrance to Park on E 177th Street and Devoe Avenue, in front of the picnic tables	X147A-C	1/1/2016
Mazzei Playground Mobile Truck	Along Williamsbridge Road and Mavenu Avenue, exact location at Parks discretion	X157-MT	1/1/2016
Stars and Stripes Playground Non-Processing Cart	Along Crawford Avenue and Baychester Avenue	X193-C	1/1/2016
<u>Bronx Vending Locations Continue Next Page</u>			

<u>Park</u>	<u>Bronx Vending Location</u>	<u>Property #</u>	<u>Date Available</u>
<u>Mobile Food Unit Type</u>			
P.S. 100/Story Playground	Theriot, Story, Taylor Avenues	X204-MT	1/1/2016
Mobile Truck			
Rainey Park	Rogers Place and Dawson Street	X255-MT	1/1/2016
Mobile Truck			
Vidalia Park	Along E. 180 Street, between Daly and Vyse Avenues.	X266-MT	1/1/2016
Mobile Truck			
Mapes Ballfield	Prospect Avenue, E. 181 Street	X289-MT	1/1/2016
Mobile Truck			
Concrete Plant Park	In front of the concrete lounge chairs	X305-C	1/1/2016
Non-Processing Cart			
Barretto Point Park	Tiffany Street in front of the pier	X307-C	1/1/2016
Non-Processing Cart			
Hunts Point Riverside Park	At the entrance of Riverside Park at Lafayette Avenue	X336-C	1/1/2016
Non-Processing Cart			
Playground 52/ Captain Rivera Playground/ Pontiac Playground/ Abigail Playground/ Fountain Of Youth Playground/ Grove Hill Playground	Playground 52/ Captain Rivera Playground/ Pontiac Playground/ Abigail Playground/ Fountain Of Youth Playground/ Grove Hill Playground	X179-194-207-216-233-235-MT	1/1/2016
Mobile Truck			
<u>Brooklyn Vending Locations Begin Next Page</u>			

<u>Park</u> <u>Mobile Food Unit</u> <u>Type</u>	<u>Brooklyn Vending Location</u>	<u>Property #</u>	<u>Date</u> <u>Available</u>
100% Playground Mobile Truck	East 101st Street & Glenwood Road	B342-MT	1/1/2016
Asser Levy Mobile Truck	Ocean Parkway and Sea Breeze Avenue	B80-MT	1/1/2016
Bayview Playground Mobile Truck	Seaview Avenue & East 100th Street	B274-MT	1/1/2016
Brighton 2nd Street Playground Mobile Truck	Brighton 2nd Street and the Boardwalk	B169-4-MT	1/1/2016
Pierrepont Playground Mobile Truck	Montague Street and Pierrepont Place	B222-MT	1/1/2016
Canarsie Park Processing or Non-Processing Cart	Canarsie Park, near the fieldhouse between E. 88th St. and E. 89th St.	B18-C	1/1/2016
Carroll Park Mobile Truck	President Street/Court Street/Carroll Street and Smith Street	B19-MT	1/1/2016
Col. David Marcus Playground Mobile Truck	East 5th Street and Avenue P	B128-MT	1/1/2016
Coney Island Avenue Mobile Truck	Southern corner of Coney Island Avenue and Brightwater Court	B169-1-MT	1/1/2016
Fort Greene Mobile Truck	Dekalb Avenue Between Washington Park & Fort Greene Place	B32-MT	1/1/2016
<u>Brooklyn Vending Locations Continue Next Page</u>			

<u>Park Mobile Food Unit Type</u>	<u>Brooklyn Vending Location</u>	<u>Property #</u>	<u>Date Available</u>
Harry Maze Playground Mobile Truck	Avenue D and East 56th Street	B285-MT	1/1/2016
Hickman Playground Mobile Truck	Veteran's Avenue between E. 66th & E. 68th Streets	B330-MT	1/1/2016
J.J Byrne Playground Mobile Truck	4th Avenue to 5th Avenue Between 3rd Street and 5th Street	B111-MT	1/1/2016
Lincoln Terrace Park Processing or Non-Processing Cart	Park Path Connecting Rochester Avenue.	B54-C	1/1/2016
Lower Highland Park Processing or Non-Processing Cart	Lower Highland Park at Jamaica Avenue Entrance	B47-2-C	1/1/2016
Marine Park Processing or Non-Processing Cart	Avenue S Parking lot and the Oval	B57-2-C	1/1/2016
Marine Park Processing or Non-Processing Cart	Avenue U Parking lot and the Oval	B57-3-C	1/1/2016
Martin Luther King Playground Mobile Truck or Processing Cart	Martin Luther Playground at 56th Street, In front of the Hospital	B98-MT	1/1/2016
McCarren Park Mobile Truck	McCarren Park at Bedford Avenue and North 12th Street	B58-MT	1/1/2016
McKinley Park Processing or Non-Processing Cart	At Bay Ridge and Ft. Hamilton Parkways	B60-C	1/1/2016
Paul Kolbert Park Mobile Truck	Paul Kolbert Park and 17th Street	B150-MT	1/1/2016
<u>Brooklyn Vending Locations Continue Next Page</u>			

<u>Park Mobile Food Unit Type</u>	<u>Brooklyn Vending Location</u>	<u>Property #</u>	<u>Date Available</u>
Public Place Processing or Non-Processing Cart	Eldert Lane between Liberty Avenue & Glenmore Avenue	B290-C	1/1/2016
Railroad Playground Mobile Truck	East 91st Street & Ditmas Avenue	B271-MT	1/1/2016
Remsen Playground Mobile Truck	Glenwood Road & Remsen Avenue	B360-MT	1/1/2016
Seth Low Playground Mobile Truck	Between Bay Parkway and Avenue P	B100-MT	1/1/2016
Shore Park Processing or Non-Processing	Shore Road and 96th Street	B82-4-C	1/1/2016
Shore Park Mobile Truck	Parking Lot area adjacent to Belt Pkwy near Bay 8th Street	B82-4-MT	1/1/2016
Shore Park Processing or Non-Processing Cart	The Promenade at Bay Ridge Avenue & Belt Pkwy	B82-5-C	1/1/2016
Sunset Park Processing or Non-Processing Cart	41st Street Between 6th & 7th Avenue & 44th Street Between 5th & 6th Avenue	B87-C	1/1/2016
William E. Kelly Park Mobile Truck	Avenue S between East 14th & East 16th Streets	B51-MT	1/1/2016
<u>Manhattan Vending Locations Begin Next Page</u>			

MANHATTAN VENDING LOCATIONS

<u>Park</u>	<u>Manhattan Vending Location</u>	<u>Property #</u>	<u>Date Available</u>
<u>Mobile Food Unit Type</u>			
LaGuardia Park Non-Processing Cart	Madison Street, near playground	M132-C	1/1/2016
John V. Lindsay (East River) Park Non-Processing Cart	Plaza area north of Tennis Courts	M144-(1)-C	1/1/2016
John V. Lindsay (East River) Park Non-Processing Cart	Near the Lower East Side Ecology Center	M144-(3)-C	1/1/2016
Robert Moses Playground Processing Cart	East 41 Street between 1 st Avenue & FDR Drive	M158-C	1/1/2016
Fred Samuel Playground Processing Cart or Processing Mobile TruckIce Cream Truck	Fred Samuels Playground (Lenox Avenue, W139-W140 Streets), Renaissance Park (Frederick Douglass Blvd., W143-W144 Streets), Holcombe Rucker Park (Frederick Douglass Blvd. & W155 Street)	M160/M216-MT/C	1/1/2016
Wald Playground Non-Processing Cart	East Houston Street, west of FDR Drive	M201-C	1/1/2016
Matthew Sapolin Playground Processing Mobile TruckIce Cream Truck	Outside entrance to playground of PS199, at 70th Street between West End Avenue and Amsterdam Avenue	M233-MT	1/1/2016
Fort Tyron Park Processing Cart	Margaret Corbin Circle, Jacob K. Javits Playground, Cabrini Boulevard, and Fort Washington Avenue	M29-1-C	1/1/2016
Harlem River Driveway Non-Processing Cart	Harlem River Park, East 128th Street and Lexington Avenue, park side at 128th Street	M39-(2)-C	1/1/2016

Manhattan Vending Locations Continue Next Page

<u>Park Mobile Food Unit Type</u>	<u>Manhattan Vending Location</u>	<u>Property #</u>	<u>Date Available</u>
Annunciation Park Processing Cart	West 135th Street, between Amsterdam and Convent Avenues	M3-C	1/1/2016
Inwood-Hill Park Processing Cart	Seaman Avenue and Isham Street entrance to Inwood Hill Park	M42-4-C	1/1/2016
Marcus Garvey Park Processing Cart	Madison Avenue, E121- E123 Streets. May operate at Mt. Morris Park West during special events with the prior written permission of Parks. Exact location(s) of operation to be determined Parks	M58-C	1/1/2016
Gertrude B. Kelly Playground Non-Processing Cart	East side of 16th Street, between 8th and 9th Avenues	M66-C	1/1/2016
Riverside Park Non-Processing Cart	Parkside, West 97th Street and Riverside Park	M71-W97-C	1/1/2016
Saint Vartan's Park Non-Processing Cart	1st Avenue. Between East 35 & East 36 Streets	M76-C	1/1/2016
Saint Nicholas Park Processing Cart	Saint Nicholas Terrace between Convent Avenue and West 135th Street, behind City College	M77-C	1/1/2016
Sakura Park Non-Processing Cart	Sakura Park, east side of Riverside Drive and West 122 nd Street, near Playground entrance	M87-W122-C	1/1/2016
Glick Park Processing\Breakfast Cart	East River Esplanade at East 37th Street	M289-C	1/1/2016
<u>Queens Vending Locations Begin Next Page</u>			

QUEENS VENDING LOCATIONS

<u>Park</u>	<u>Queens Vending Location</u>	<u>Property #</u>	<u>Date Available</u>
<u>Mobile Food Unit Type</u>			
Astoria Park Processing Cart	Hoyt Avenue South & North and 21st Street	Q4-4-C	1/1/2016
Baisley Pond Park Pushcart	150 Street & Rockaway	Q5-1-C	1/1/2016
Bayswater Park Mobile Truck	B32nd Street	Q7-MT	1/1/2016
Forest Park Mobile Truck	Mary Whalen Playground: 79th Street and Park Lane South	Q15-1-MT	1/1/2016
Forest Park Mobile Truck	Greenhouse Playground: Woodhaven Blvd. between Park Lane S and Myrtle Avenue	Q15-2-MT	1/1/2016
Forest Park Pushcart	Jackson Pond Playground, 108 Street & Myrtle Avenue	Q15-3-C	1/1/2016
Cunningham Park Pushcart	Horace Harding Expressway, Grand Central Parkway	Q21-C	1/1/2016
Rufus King Playground Mobile Truck	Jamaica Avenue, 153 Street, 89 Avenue 150 Street	Q23-MT	1/1/2016
Kissena Park Mobile Truck	Near the playground between Juniper and Geranium	Q24-MT	1/1/2016
Rafferty Triangle Mobile Truck	44th Drive and Hunter Street	Q36A-MT	1/1/2016
Benninger Playground Mobile Truck	Along the park on Madison Street	Q38-MT	1/1/2016
LT. Corp. Noonan Mobile Truck	Greenpoint Avenue, 43 to 47 Street	Q44-MT	1/1/2016
<u>Queens Vending Locations Continue Next Page</u>			

<u>Park</u>	<u>Queens Vending Location</u>	<u>Permit Property #</u>	<u>Date Available</u>
<u>Mobile Food Unit Type</u>			
Triangle 90 Processing Cart	90th Street and Roosevelt Avenue	Q68-C	1/1/2016
Queens Bridge Park Pushcart	Dry Harbor Road to 70th Street	Q104-C	1/1/2016
Laurelton Playground Pushcart	Inside the park, adjacent to entrance near Vernon Blvd. & Queensboro Bridge	Q108-C	1/1/2016
Frank Principe Park/Maurice Park Mobile Truck	Park entrance to softball fields on Maurice Avenue	Q131-MT	1/1/2016
Columbus Square Processing Cart	Hoyt Avenue, Astoria Blvd & 31 Street	Q137-C	1/1/2016
Woodside Plaza Mobile Truck	Woodside Avenue and Roosevelt Avenue	Q198-MT	1/1/2016
P.S.112/Dutch Kills Playground Mobile Truck	Crescent Street & 36th Avenue	Q218-MT	1/1/2016
"Uncle" Vito E. Maranzano Glendale Playground Mobile Truck	Central Avenue and 71st Street	Q290-MT	1/1/2016
Leo Ehrenreich Playground Mobile Truck	Austin Street, 76 Avenue to 76 Drive	Q304-MT	1/1/2016
P.S.165 Playground Mobile Truck	Along 70th Rd and 71st Avenue, between Kissena Blvd & 150th Street	Q320-MT	1/1/2016
Wood Tree Playground Mobile Truck	21st Avenue & 166th Street	Q332-MT	1/1/2016
Maurice A Fitzgerald Playground Mobile Truck	106th Street and 94th Avenue	Q337-MT	1/1/2016
<u>Queens Vending Locations Continue Next Page</u>			

<u>Park</u>	<u>Queens Vending Location</u>	<u>Permit Property #</u>	<u>Date Available</u>
<u>Mobile Food Unit Type</u>			
P.S.18 Playground/ Gunn Park Mobile Truck	235th Street and Hillside Avenue	Q358-MT	1/1/2016
P.S.18 Playground/ Gunn Park Mobile Truck	235th Street and Hillside Avenue	Q358-MT	1/1/2016
P.S.105/Conch Playground Mobile Truck	Beach Channel Drive, between Conch Pl. & Beach 49 Street	Q394-MT	1/1/2016
Albert Montbellier Park Mobile Truck	Perimeter of park along East Gate Plaza, Springfield Blvd., 139 th Avenue	Q396-MT	1/1/2016
Yellowstone Playground Mobile Truck	Yellowstone Blvd. & 68 Avenue	Q425-MT	1/1/2016
Creedmoor Farm Park Mobile Truck	Service road adjacent to soccer fields	Q453-MT	1/1/2016
Frank Golden Memorial Park Mobile Truck	Along the perimeter of the park & at the ball field entrances	Q445-MT	1/1/2016

Staten Island Vending Locations Begin Next Page

STATEN ISLAND VENDING LOCATIONS

<u>Park Mobile Food Unit Type</u>	<u>Staten Island Vending Location</u>	<u>Permit Property #</u>	<u>Date Available</u>
Barrett Triangle Non-Processing Cart	Bay Street (exact location subject to Parks' approval)	R2-C	1/1/2016
Clove Lakes Park Mobile Truck	Victory Blvd., Clove Rd to Royal Oak Rd	R5-MT	1/1/2016
Clove Lakes Park Non-Processing Cart	Near playground and ballfields, off the park entrance	R5-3-C	1/1/2016
Clove Lakes Park Non-Processing Cart	Martling Avenue. between Slosson Avenue. and Brookside	R5-4-C	1/1/2016
Joseph H. Lyons Pool Mobile Truck	Victory Blvd, Hannah Street	R43-MT	1/1/2016
Stapleton (PS 41) Playground Mobile Truck	Tompkins Avenue	R61-MT	1/1/2016
MacArthur Park Mobile Truck	Jefferson Street Seaver and Dongan Hills	M67-MT	1/1/2016
Clawson (P.S.50) Playground Mobile Truck	Clawson Street and Adelaide Avenue	R72-MT	1/1/2016
Lemon Creek Park Mobile Truck	Sharrott Avenue, near Hylan Blvd.	R79-MT	1/1/2016
PS 52 Mason Playground Mobile Truck	Mason and Buell Avenue, Dongan Hills Rd.	R87-MT	1/1/2016
Prall Playground Mobile Truck	Forest Avenue	R105-MT	1/1/2016
Bloomingtondale Park Processing Cart	Romona Avenue & Lenevar Avenue	R106-C	1/1/2016
Luis R. Lopez Park Mobile Truck	Palma Dive, Targee Street and Oder Avenue	R125-MT	1/1/2016
Blood Root Valley/Greenbelt Park Mobile Truck	Country House Road	R129-MT	1/1/2016

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	A	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	B	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Non-Processing	C	No	No	No	Yes ³	Yes	No	Yes	Yes	Yes
	D	Yes ²	No	No	Yes ³	Yes	Yes	Yes ³	Yes ³	Yes ³
	E	No	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 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.

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.

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.