Request for Proposals

FOR THE DEVELOPMENT, OPERATION, AND MAINTENANCE OF AN OUTDOOR DECK CAFÉ AT THE WHITEHALL FERRY TERMINAL, IN THE BOROUGH OF MANHATTAN

Solicitation Number: 84115MNAD887
Issue Date: February 10, 2015
Due Date: March 10, 2015
Department Contact: KEVIN A. FORMA
(212) 839-6575
The City of New York Department of Transportation (“DOT”) requests proposals for the development, operation, and maintenance of an outdoor deck café at the Whitehall Ferry Terminal (the “terminal”), in the borough of Manhattan.

**THE TERM**

DOT is seeking a concessionaire for one (1) three season term, with two (2) one season renewal options, exercisable at DOT’s sole discretion. Each season runs from May 1st to October 31st. Longer terms will not be considered. This concession will be operated pursuant to a license issued by DOT; no leasehold or other proprietary right is offered.

**PROJECT MANAGER**

The Project Manager for this concession is Kevin A. Forma. All RFP questions and/or inquiries should be directed to him. He may be reached at:

Phone: (212) 839-6575  
Email: concessions@dot.nyc.gov  
Fax: (212) 839-9895

If you have a hearing impairment, please call the following toll-free number and leave a message on the Telecommunication Device for the Deaf (TDD). The TDD number is 212-504-4115.

**RFP TIMETABLE**

The following schedule has been established for this RFP:

- **RFP Release Date:** Tuesday February 10, 2015, at 2 p.m.  
- **Recommended Proposer Meeting & Site Tour:** Thursday February 19, 2015, at 10 a.m.  
- **Proposals Due:** Tuesday March 10, 2015, at 2 p.m.  
- **Interviews (if any):** Monday March 23, 2015

If you have a physical disability and cannot deliver your proposal to 55 Water Street, please contact the Project Manager(s) at least 48 hours prior to the deadline and alternate arrangements can be made.
RECOMMENDED PROPOSER MEETING & SITE TOUR

There will be a recommended on-site proposer meeting and site tour on Thursday, February 19 2015 at 10 a.m. We will be meeting at the proposed concession site (Block # 2 & Lot # 1 which is located at 4 South Street, New York, NY 10004. We will be meeting in front of the terminal main entrance. If you are considering responding to this RFP, please make every effort to attend this recommended meeting and site tour.

MEETINGS

The Selection Committee may decide to meet with certain proposers on Monday March 23, 2015. This is the only day meetings will be held. Therefore, it is recommended that proposers keep Monday March 23, 2015, available to meet with the Selection Committee.

If there are circumstances beyond a proposer’s or DOT’s control and the meeting cannot take place on Monday March 23, DOT will schedule a meeting between the proposer and the selection committee on an alternate date.

I. PROJECT BACKGROUND

HISTORY AND EXISTING CONDITIONS

The terminal, in Lower Manhattan serves over 60,000 daily commuters as well as thousands of tourists annually. The Staten Island Ferry runs 24 hours a day, 365 days a year.

The terminal, which is immediately adjacent to Battery Park and Peter Minuit Plaza, serves as a hub for commuters and visitors alike seeking to take advantage of the free Staten Island Ferries that provide 35,000 plus trips annually between Manhattan and Staten Island. Besides the Staten Island Ferry, patrons can also access the terminal directly via subway, taxi, and bus.

The terminal is a multilevel structure of approximately 200,000 square feet that provides approximately 6,000 square feet of interior retail space and a 19,000 square foot waiting area. In addition to the interior space, the terminal was built with an second floor outdoor deck, of which approximately 6,400 square feet on the west side of the terminal, hereafter referred to as the “Licensed Premises”, is available for this concession (see Exhibit A). The Licensed Premises is accessible from the second floor and is in an openly visible and direct location for both embarking and disembarking ferry passengers. The Licensed Premises can be accessed by one entrance located to the west of the main concourse area. In addition, there is one exterior stair case, immediately adjacent to the west of the main entrance that provides access from the ground floor directly to the Licensed Premises. The floor of the Licensed Premises is comprised of two foot by two foot concrete floating pavers supported by a pedestal system which allow the deck to drain directly onto the roof below. Each paver has the capacity to hold approximately 1,750 pounds with a uniform live load capacity of between 50 and 100 pounds per square foot. There are no current available sources for power, water, or sanitary drainage. Twelve six-foot fixed wooden slat benches, located on the western side of the plaza, currently provide the only seating space upon the deck. The deck provides views of New York Harbor, Battery Park, Governor’s Island, and Lower Manhattan.
II. PROJECT COMPONENTS

A. OVERVIEW

DOT is seeking proposals for the development, operation, and maintenance of an outdoor deck café at the Whitehall Ferry Terminal, in the Borough of Manhattan.

Operational Plan
Proposers should submit a detailed operational plan for the entire Licensed Premises. This plan should include, but not be limited to, intended use of the Licensed Premises, food service facility plans, hours of operation, services to be provided, menu items and merchandise to be sold, a detailed list of all proposed prices and rates, mobile food unit plans, equipment storage plans, proposed signage, proposed seating plans, proposed utility upgrades, site upgrades, landscaping/horticulture plans, maintenance plans, rubbish removal, cleaning schedules, staffing plans, safety and security plans, programming plans, mechanisms to measure customer satisfaction, and any plans to use “Green Seal” or other environmentally friendly products or devices.

All plans, schedules, services, menu items, merchandise, prices and fees, and hours of operation are subject to DOT’s prior, written approval.

The Food Service Facility
The concessionaire will be required to operate and maintain a food service facility at the Licensed Premises. The food service facility may consist of a (1) a semi-permanent structure(s); (2) a Mobile Food unit(s) as detailed below; or (3) a combination of a semi-permanent structure(s) and Mobile Food Unit(s) as outlined below. The food service facility should make a significant improvement to the ambience of the terminal and surrounding area while providing a convenient service to the public. The exact size and location of the food service facility are subject to DOT’s prior written approval.

Proposers should submit a menu and price list in their proposals that demonstrates quality, variety, and affordability. Proposers should include some low-cost items on their menus. All prices and menu items are subject to DOT’s prior written approval.

The concessionaire will be required to maintain adequate inventory to assure a constant supply of food and beverages. Any staff assigned by the concessionaire to sell food and beverages to the public must possess all Federal, State, and City authorizations, and possess, and at all times display, appropriate New York City Department of Health and Mental Hygiene (“DOHMH”) permits.

The concessionaire may only operate the food service facility if he or she has obtained the appropriate, valid permits and authorizations required by DOHMH.

- DOHMH Information

In addition to a DOT license, at all times that the food service facility is operating, a staff person with a valid DOHMH food handler’s license must be present. To obtain a DOHMH license, contact the Citywide Licensing Center, 42 Broadway, 5th floor, Monday through Friday 9:00 a.m. to 5:00 p.m. or by phone at 311 or 212-New York. Note: Offices are closed during City/Public Holidays. Vendors should be aware that if they are applying for a DOHMH license for the first time, this process can take six weeks or more. Vendors operating without all necessary permits may be subject to fines and/or confiscation of merchandise and vending unit(s).
DOHMH Letter Grades

Proposers should note that food service facilities of concessionaires may become subject to a Department of Health and Mental Hygiene 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 Units
The concessionaire may operate up to two pushcarts and/or processing carts (herein referred to as “Mobile Food Units”) for the sale of snack food items, such as hot dogs, hamburgers, salads, soft drinks, alcoholic and non-alcoholic beverages within the Licensed Premises in accordance with the following guidelines:

- **Pushcarts**

  Pushcarts are manually propelled carts or barrows that are only for the sale of pre-packaged foods or foods which require limited preparation. Pushcarts cannot be more than 5 feet long and 3 1/2 feet wide and 6 feet in height 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 4 1/2 feet.

- **Processing Carts**

  Processing carts are Mobile Food Units that are for the sale of foods that require 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 hotdogs or heating of pretzels. Processing carts cannot be more than 5 feet long including all handles and extensions.

  The concessionaire may also attach to each of the two Mobile Food Units a 3’ x 3’ freezer cart for the sale of ice cream products in warm weather or a 3’ x 3’ nut cart for the sale of nuts and dried fruit in cold weather.

- **DOHMH Information**

  The concessionaire will be required to obtain a DOHMH Vendor License for each person designated as an operator of a Mobile Food Unit and a DOHMH Mobile Food Vending Unit Permit for the successful proposer’s Mobile Food Unit(s). Please note that only a DOHMH-licensed mobile food vendor may apply for a Mobile Food Vending Unit Permit. The concessionaire must submit both a valid DOHMH Vendor License and a DOHMH Mobile Food Vending Unit Permit to DOT before the operation of a Mobile Food Unit(s) can commence. During the License term, any concessionaire operating a Mobile Food Unit without a valid DOHMH Vendor License and a DOHMH Mobile Food Vending Unit Permit will be instructed to cease operations and will be subject to fines. When warranted, New York City Police Department, New York Fire Department, and DOHMH may confiscate the mobile food unit(s), including merchandise.

  To obtain a DOHMH license and/or permit, contact the Citywide Licensing Center, 42 Broadway, 5th floor, Monday through Friday 9:00 am to 5:00 pm or by phone at 311 or 212-New-York or online at www.nyc.gov/health. Note: Offices are closed during City/Public Holidays.

  Vendors should be aware that if they are applying for a DOHMH Vendor License for the first time, this process can take six (6) weeks or more.
• **DOHMH Vendor License**

All persons designated as a Mobile Food Unit operator must have a valid DOHMH Vendor License in order to operate. Effective January 1, 2004, all mobile food vendors are required to successfully complete a DOHMH course in food protection to receive a new or renewed DOHMH Vendor License.

• **DOHMH Mobile Food Vending Unit Permit**

All Mobile Food Units must pass a DOHMH inspection in order to receive a DOHMH Mobile Food Vending Unit Permit. All Mobile Food Units operating under a DOT license agreement must first pass a DOHMH inspection. In order to schedule the Mobile Food Unit for an inspection, successful proposers must submit DOT-authorized documentation to DOHMH, which is provided to the vendor following Notice of Award.

*Note:* The successful proposer must provide DOT with documentation that it has been issued a valid DOHMH Vendor License and DOHMH Mobile Food Vending Unit Permit for each Mobile Food Unit. Once received and once the license agreement has been registered, the Mobile Food Unit(s) can only be operated under a license agreement once a written Notice to Proceed (NTP) has been issued by DOT.

• **Mobile Food Unit Specifications & Maintenance**

Concessionaires will be required to purchase, supply, or otherwise obtain use of all equipment, including the Mobile Food Units, necessary for the operation of this concession. Concessionaires will be required to present his/her Mobile Food Unit(s) to DOT for inspection before the license agreement is signed. All Mobile Food Units must be kept in good condition. DOT 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 Units, umbrellas, canopies and other equipment attached to Mobile Food Units shall be of a design and color approved in writing by DOT. DOT expects the concessionaire to utilize Mobile Food Units of a premium quality and design. DOT encourages proposers to submit Mobile Food Unit designs that are inventive, interesting and compliment the intended vending location(s) (rather than traditional Mobile Food Unit designs often used for hot dog and pretzel pushcarts). Proposals 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.

It is necessary to keep all Mobile Food Units clean and in good condition. This involves ensuring that the Mobile Food Units do not leak any type of fluid, including 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. In addition, the concessionaire shall repair or replace the above if deemed necessary by DOT.

Advertising of product brands will not be allowed on the Mobile Food Unit(s) or associated equipment without DOT’s written approval.
• **Written Notice**

The license agreement shall become effective upon the vendor’s receipt of a written Notice to Proceed. A concessionaire shall not commence the operation of the Mobile Food Unit(s) until it has received the Notice to Proceed from DOT.

• **DOHMH Letter Grades: Mobile Food Units Only**

Bidders Proposers should note that the trucks or carts, or both, as well other food service facilities of concessionaires may become subject to a Department of Health and Mental Hygiene 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](http://www.nyc.gov/html/doh/html/rii/grading.shtml)

**Alcoholic Beverages**

Alcoholic beverages may be served to complement the food service, provided that the concessionaire obtains the appropriate license(s) from the State Liquor Authority (SLA). Alcoholic beverages may only be served within the Licensed Premises and/or in a cordoned-off area and must be consumed on the Licensed Premises within designated areas. All efforts must be made to keep alcohol consumption discrete. The operator must keep in mind that this is a public facility and the consumption of alcohol should be encouraged only as an accompaniment to the cuisine.

**Merchandise**

The concessionaire may also sell merchandise; however, proposers should be aware that the City is the trademark owner of various marks and has licensed the use of those trademarks for use on certain designated merchandise. If the successful proposer wants to sell merchandise that uses the City's trademarks, the successful proposer will be required to purchase merchandise from authorized licensees of the City of New York. DOT will not permit the sale of merchandise promoting musicians, entertainers, sports figures, cartoon characters, or commercial products. All prices and merchandise to be sold are subject to DOT’s approval.

The sale of counterfeit or unlicensed merchandise at this concession will result in the immediate termination of the license agreement and seizure of the security deposit.

**Tables & Chairs & Umbrellas**

DOT will view favorably proposals that include the placement of tables, chairs, and umbrellas within the Licensed Premises. The concessionaire may place up to twenty 30-inch round tables with umbrellas and sixty (60) chairs within the Licensed Premises. Other table styles may be proposed provided they do not occupy more than the equivalent square footage of the 30-inch round tables. The design, color, placement, and number of all tables, chairs, umbrellas, and food service facility equipment are subject to DOT’s prior, written approval. The concessionaire must ensure free and open public access to any outdoor seating areas.

**Hours of Operation**

The terminal operates 24 hours a day, 365 days per year. DOT will consider various hours of operation in the proposal, but the concession must be available between 12 p.m. till 9 p.m. daily. The concession will be a seasonal concession operating from Memorial Day to Labor Day.

**Staff**

The concessionaire will be required to have a sufficient number of staff available at the Licensed Premises during regular operating hours to ensure proper operation of the concession. DOT reserves the
right to require that all staff wear uniforms and possess or obtain all proper identification pursuant to the security protocols of the terminal. DOT also reserves the right to have all staff wear uniforms that have been approved in writing by DOT. The concessionaire and staff will be required to adhere to all rules and regulation of the terminal.

**Transportation Worker Identification Credential (TWIC)**

During hours of operation the concessionaire will be required to have at least one staff member on duty that has a valid TWIC card to access certain areas of the terminal. The TWIC card is issued by the United States Transportation Security Administration. For more information on eligibility requirements and how to obtain the TWIC card please visit: https://twicprogram.tsa.dhs.gov/TWICWebApp/Welcome.do

**Storage**

DOT makes no representations that there is adequate storage space at the Licensed 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 Licensed Premises without the prior, written approval of DOT. No item shall be placed upon any public space, including the ground adjacent to the Licensed Premises without DOT’s prior, written approval. The concessionaire will be required to store and secure all outdoor equipment on a nightly basis and anytime the concession is closed. Subject to DOT’s prior written approval, storage of outdoor equipment at the Licensed Premises may be permitted.

**Maintenance**

The concessionaire will be required, at its sole cost and expense (or through arrangements with third parties), to operate and maintain the Licensed Premises in good and safe condition and in accordance with industry standards. This includes, but is not limited to, the maintenance and repair of the entire Licensed Premises, all exterior structures, building systems, utility systems and connections, sewer systems and connections, equipment, lighting, pavers, vaults, gutters, curbs, and fixtures. In addition, all signs and structures on the Licensed Premises must be kept in good condition and free of graffiti. The erecting of any ancillary structures at the Licensed Premises shall be subject to DOT’s prior written approval.

**Horticulture & Landscaping**

The concessionaire may maintain and improve the landscaping at the Licensed Premises. This shall include, but is not limited to, placement of planters, and performing any seeding, trimming, pruning, planting, and fertilization. In addition, DOT requires that any trees on the Licensed Premises be pruned as needed. The concessionaire will be required to submit detailed plans to DOT of all horticultural and landscaping work to be performed. All work to be performed at the Licensed Premises is subject to DOT’s prior written approval. In addition, the concessionaire will be required to obtain all necessary permits, approvals, and authorizations from all City, State, and Federal agencies having jurisdiction over the Licensed Premises before any work is performed, and such work shall be of a quality which meets DOT’s standards.

**Rubbish Removal & Recycling**

The concessionaire will be responsible for, at its sole cost and expense, clean-up and removal of all waste, garbage, refuse, rubbish, and litter from the Licensed Premises. The concessionaire will be required to provide adequate and easily accessible waste and recycling receptacles, approved by DOT, and have these receptacles emptied on a daily basis. The location and placement of all waste and recycling receptacles is subject to DOT’s prior written approval. The concessionaire will be required to comply with all City, State, and Federal regulations regarding recycling. In addition, the concessionaire will be required to demonstrate to DOT’s satisfaction, through a detailed maintenance plan, that they will keep and maintain the concession site in excellent condition throughout the license term.
**Signage & Advertising**

Concessionaire will be prohibited from displaying, placing or permitting the display or placement of advertisements in the Premises, including, but not limited to, the Mobile Food Units, without the prior written approval of DOT. The display or placement of tobacco advertising shall not be permitted. The display or placement of advertising of alcoholic beverages shall not be permitted. The Licensee may display signage, approved by DOT, setting forth its offerings of food or alcoholic beverages. 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 be prohibited. Advertising of product brands is prohibited without DOT’s prior written approval. Any and all signage is subject to DOT’s prior written approval. The design and placement of all signage, including signage which includes Permittee’s name, trade name(s) and/or logos, is subject to DOT’s prior written approval. Permittee will be prohibited from placing advertisements on the exterior walls of its licensed premises. Any prohibited material displayed or placed shall be immediately removed by the Permittee upon notice from DOT at Permittee’s sole cost and expense.

**Internal Controls**

Throughout the License term, the concessionaire will be required to maintain a revenue control system to ensure the accurate and complete recording of all revenues, in a form and manner acceptable to the City. This revenue control system must maintain detailed sales information from each sales transaction. Specifically, sales information must be recorded electronically, via a point-of-sale system, and must include, but is not limited to, details on each sales transaction, the item(s) sold, time, date of sale and price of the item sold. In addition, each of concessionaire’s Special Events must be documented via signed sequentially pre-numbered contracts that capture event information, including the time and date of the event, the number of attendees and required payment. The concessionaire must also establish a dedicated bank account for all deposits related to this concession’s 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.

**Naming of the Concession**

Proposers should be aware that DOT may require that the City own the portion of any new name selected by the successful proposer for the Licensed Premises that indicates DOT property or a preexisting facility name. The City will not own any portion of a new name that consists of the name, portrait or signature of a living or deceased individual or a restaurant identifier that is not otherwise associated with DOT’s property. DOT reserves the right to approve of any name selected by the concessionaire for the concession.

**Utilities**

DOT makes no representations regarding the adequacy of utilities currently in place at the Licensed Premises. The concessionaire will be required 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 License term. These utility costs include, but are not limited to, paying all water and sewer charges that the New York City Department of Environmental Protection (“DEP”) assesses for water usage. The concessionaire shall coordinate the performance of all utility work with the Director of Terminal Operations.
Drought & Water Conservation Issues
The concessionaire will be required to adhere to all DEP directives and restrictions regarding drought and water conservation issues during the License term. Proposals should include any plans to employ methods and equipment which will conserve water.

Environmental Considerations
As part of the New York City’s efforts to provide green and sustainable infrastructure, DOT is deeply committed to respecting the environment. Therefore, all proposed operational plans should include a detailed description of environmentally friendly practices planned for the Licensed Premises. Practices may include, but are not limited to, the installation or use of Energy Star compliant appliances, the use of energy efficient, non-polluting, low noise generators, the employment of energy efficient and water conservation measures, the use of low toxicity chemicals, preservation of natural areas, and the use of environmentally friendly products.

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

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

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

DOT, acting on behalf of the City of New York, reserves the right to host a number of annual events at the Licensed Premises, including benefits and other non-profit or public events. The dates of such events shall be mutually agreed upon by both parties and shall be reserved in writing not less than one month in advance.

Security
Pursuant to a plan approved in writing by DOT, the concessionaire, at its sole cost and expense, shall be responsible for all security at the Licensed Premises during the seasonal term and shall be subject to all security requirements and measures implemented within the terminal. The concessionaire will be required to secure the Licensed Premises and any other equipment every evening and anytime the concession is closed.
Safety
Because safety is of the utmost concern, proposers with prior experience in operating this type of facility or similar facilities should submit their personal and/or company safety record. Each proposal should include a detailed outline of maintenance schedules and safety precautions required for the operation of the Licensed Premises as well as any applicable staff qualifications and certifications. Proposers should also provide descriptions of the locations and types of facilities they have operated, including a list of references. The concessionaire will be required to comply with all national safety guidelines and Federal, State and City laws, rules and regulations related to the operation and maintenance of the Licensed Premises.

Community Relations
DOT will view favorably proposals that show a commitment to cooperate with and support terminal administrators and terminal users.

DOT will view favorably proposals that demonstrate how the concessionaire will work with DOT staff to address maintenance issues, including, but not limited to, noise and litter removal. The concessionaire should employ preventative maintenance techniques to discourage litter or other nuisances that may be generated by the concession. These techniques should be outlined in each proposal.

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

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

Inspections & Liquidated Damages
Inspectors from DOT will visit the Licensed Premises unannounced to inspect operations and ensure proper maintenance of the Licensed Premises. Based on their inspections, should the concessionaire fail to provide the cleaning, maintenance, and operational services required by his or her License, DOT shall notify the concessionaire in writing, and the concessionaire shall be required to correct such shortcomings within of the time frame set forth in such notice. If the concessionaire fails to cure the violation within the time frame set forth in the notice, DOT may, at its option, in addition to any other remedies available to it, require the concessionaire to pay to DOT as liquidated damages Five Hundred ($500.00) Dollars per day from the date of the notice, with respect to each violation of the License, until the shortcomings have been corrected. Liquidated damages, if not paid promptly, may be deducted from the concessionaire’s security deposit.

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

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

Parking
There are no parking spaces available at the terminal or Licensed Premises for facility staff and patrons. Monthly permit parking or daily metered parking is available nearby.

Lighting
The concessionaire shall be responsible for providing safe lighting throughout the Licensed Premises. The concessionaire shall also be responsible for replacing lamps after lamp outages within ten (10) days of the reported outage.

Music & Sound Levels
The concessionaire will be required to comply with all laws, rules and regulations of appropriate agencies, specifically the Department of Environmental Protection (DEP), regarding noise levels, and concessionaire shall be responsible for payment of any and all fees or royalties to the American Society of Composers, Authors and Publishers (ASCAP), Broadcast Music, Inc. (BMI), or such other entity as they may require for such music or music programming. The concessionaire may operate and play sound equipment and music only at a sound level reasonably acceptable to the Commissioner. Any musical programming or other types of entertainment must be approved by DOT. A cabaret license and concerts will be strictly prohibited at the Licensed Premises.

Available Plans
Any available plans may be obtained from the Whitehall Ferry Terminal Manager, DOT Staten Island Ferry Division. To make an appointment, please contact Ahmed Elyamani, Whitehall Ferry Terminal Manager at (212) 839-2625. DOT makes no representations as to the availability, accuracy, or completeness of these documents.

Design Review
DOT must review and approve all of the concessionaire’s design documents related to utility upgrades or other proposed improvements to the Licensed Area. All improvements and upgrades must be approved in writing by DOT prior to any work performed.

B. ADDITIONAL REQUIREMENTS DURING THE LICENSE TERM

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

2. The concessionaire will be required to submit a security deposit of 25% of the highest year’s guaranteed minimum license fee, which will be required for the duration of the term of the license. This security deposit, which may be in the form of an interest bearing account or other format approved by DOT, will be due upon signing.

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

4. The concessionaire will be required to submit monthly statements of gross receipts from all categories of income in a format approved by DOT. Within sixty (60) days following the end of each operating year, the concessionaire will be required to submit a detailed income and expense statement for the past year’s operation. The concessionaire will be required to maintain a revenue control system to ensure the accurate and complete recording of all revenues, as described under “Internal Controls” in Section II (A) above.

5. The concessionaire will be required to pay all taxes applicable to the operation of the concession. Gross receipts shall exclude the amount of any federal, state, or city sales taxes which are paid by the concessionaire.

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

7. The concessionaire will be required to cooperate with DOT during special and other unanticipated events.

8. The concessionaire will be prohibited from selling any beverages in glass bottles. All beverages will be required to be in non-glass, shatter-proof containers. Also, the use of polystyrene packaging or food containers will be prohibited in the operation of the concession.

9. The selling and/or advertisement of cigarettes, electronic-cigarettes, cigars, or any other tobacco products are strictly prohibited. The concessionaire will be required to adhere to and enforce this policy.

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

11. The concessionaire must obtain the prior written approval of DOT prior to entering into any marketing or sponsorship agreement. In the event that the concessionaire breaches this provision, the concessionaire shall take any action that the City may deem necessary to protect the City's interests.
III. THE RFP PROCESS/PROPOSAL PROCEDURE

A. PROPOSAL SUBMISSION INSTRUCTIONS

The proposal should be typed on both sides of 8 ½” X 11” paper. Pages should be paginated. The City of New York requests that all proposals be submitted on paper with no less than 30% post-consumer material content, i.e., the minimum recovered fiber content level for reprographic papers recommended by the United States Environmental Protection Agency (for any changes to that standard please consult: http://www.epa.gov/cpg/products/printing.htm). The proposer should state whether its response is printed on recycled paper containing the minimum percentage of recovered fiber content as requested by the City in these instructions. Failure to comply with any of the instructions set forth in this paragraph will not be considered non-responsive.

No proposals should be submitted in plastic sleeves or spiral binders. Illustrations may be included. All plans are subject to DOT’s prior written approval. Oversized drawings may be submitted, but must be accompanied by 8 ½” x 11” sectionals or reductions to 8 ½” x 11”. No telegraphic or facsimile proposals will be accepted. The proposal will be evaluated on the basis of its content, not length.

Please submit four (4) copies of your proposal (including four copies of all required attachments). The following information should be printed on the outside of the envelope:

Proposer’s Name & Address
Solicitation No.: 84115MNAD887
Proposals Due: Tuesday March 10, 2015 at 2 p.m.

B. PROPOSAL SUBMISSION REQUIREMENTS

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

1. All proposers must submit a proposal that includes a fee offer for each season of the operating term. Proposals must state a guaranteed annual flat fee. All proposals must include a flat fee offer for each year of the operating term. Proposals that do not state a guaranteed annual flat fee will not be considered. If a proposer offers any additional payment beyond the guaranteed annual flat fee, only the flat fee will be considered. At DOT’s request, proposer shall submit documentation, satisfactory to DOT, demonstrating that it has the financial capability to pay the fees set forth in its proposal. Failure to provide such documentation will result in a determination of non-responsiveness.

2. All proposers are required to submit a proposal deposit via a certified bank check, official bank check, money order, or cashier’s check in the amount of $4,000 with the proposal (payable to NYC Department of Transportation). Personal or business checks will not be accepted. In the event of the failure of a successful proposer to execute a concession agreement in accordance with the terms of its proposal, the deposit shall be retained by the City unless the proposal has been permitted to be withdrawn. Proposal deposits will be returned to unsuccessful proposers after the concession agreement is signed with the successful proposer.
3. All proposals must be submitted in a sealed envelope and received in the office of the ACCO Contract Management Unit, City of New York Department of Transportation; 55 Water Street, Ground Floor, New York, New York 10041.

4. All proposals must be received by **Tuesday March 10, 2015**, by 2 p.m. Hand delivery to ACCO Contract Management Unit, 55 Water Street, Ground Floor, before the deadline is recommended to ensure consideration of your proposals. **Proposals and modifications received after the time and date listed above will be considered late, will be returned to the proposer unopened and will not be considered for award, except as provided for in Section 1-13(j)(2)(i) of the Concession Rules.**

5. Pursuant to Local Law 34 of 2007, amending the City's Campaign Finance Law, the City is required to establish a computerized database containing the names of any "person" that has "business dealings with the city" as such terms are defined in the Local Law. In order for the City to obtain necessary information to establish the required database, proposers responding to this solicitation are required to complete the attached Doing Business Data Form and return it with this proposal in a separate envelope. (If the responding proposer is a proposed joint venture, the entities that comprise the proposed joint venture must each complete a Data Form.) If the City determines that a proposer has failed to submit a Data Form or has submitted a Data Form that is not complete, the proposer will be notified by the agency and will be given four (4) calendar days from receipt of notification to cure the specified deficiencies and return a complete Data Form to the agency. Failure to do so will result in a determination that the proposal is non-responsive. Receipt of notification is defined as the day notice is e-mailed or faxed (if the proposer has provided an e-mail address or fax number), or no later than five (5) days from the date of mailing or upon delivery, if delivered.

**C. PROPOSAL CONTENT GUIDELINES**

Each proposal is expected to include the following:

1. **Fee Offer**
   - All proposals must include a flat fee offer for each year of the operating term. Proposals that do not state a guaranteed annual flat fee will not be considered. The City urges that there be an escalation of at least five percent (5%) per year (compounded annually) in the guaranteed annual flat fee over the license term. If a proposer offers any additional payment beyond the guaranteed annual flat fee, only the flat fee will be considered.

2. **Operating Experience**
   - Proposers should submit a resume or detailed description of the proposer's professional qualifications, demonstrating extensive experience in the industry, including any work with City agencies, and/or access to individuals and/or firms with such expertise. Include the names and addresses of all corporate officers of the entity submitting the proposal. If any principal owner and/or officer of the submitting entity is currently or has been a principal officer of another entity or entities within the last five (5) years, that entity or entities (including applicable tax identification numbers) should be identified as well.
   - Proposers should attach a list of at least three (3) recent relevant references, with whom the proposer has previously worked and/or who can describe such matters as the proposer’s financial, operational and management capability. One of the three references should be from
a financial institution that has extended credit to the proposer. Include the name of the reference entity, a description of the nature of the listed reference’s experience with the proposer and the name, title, address, and telephone number of a contact person at the reference entity.

3. Planned Operations
   - Proposers should submit a detailed operational plan for the entire Licensed Premises including, but not limited to, food service facility plans, hours of operation, services to be provided, menu items and merchandise to be sold, a detailed list of all proposed prices and rates, mobile food unit plans, equipment storage plans, proposed signage, proposed seating plans, proposed utility upgrades, site upgrades, landscaping/horticulture plans, maintenance plans, rubbish removal, cleaning schedules, staffing plans, safety and security plans, programming plans, mechanisms to measure customer satisfaction, and any plans to use “Green Seal” or other environmentally friendly products or devices.
   - Proposers should submit an estimated number of full-time and seasonal employees and the positions these employees will fill as well as how many employees have or will obtain the TWIC identification card.
   - Proposers 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.
   - DOT will view favorably the installation of Energy Star approved appliances and equipment, such as vending machines and commercial refrigerators, at the Licensed Premises.
   - DOT will view favorably proposals that include plans to use “Green Seal” eco-friendly products such as soaps, cleaners, light bulbs, paper towels, toilet paper and paint.
   - DOT will view favorably proposals that show a commitment to cooperate with and support terminal administrators and terminal users.
   - DOT will view favorably proposals that demonstrate how the concessionaire will work with DOT staff to address maintenance issues, including, but not limited to, noise and litter removal. The concessionaire should employ preventative maintenance techniques to discourage litter or other nuisances that may be generated by the concession.
   - DOT will view favorably proposals that include the placement of tables, chairs, and umbrellas within the licensed premises.

4. Financial Capability
   - Proposers should include a financial statement or statements prepared in accordance with standard accounting procedures. Financial statements should include, but are not limited to, annual income and net worth (assets and liabilities), including a breakdown of liquid and non-liquid assets. Proposers should include supporting documentation of their financial worth, including but not limited to Certified Financial Statements, Balance Sheets and Income Statements and tax returns from the past three (3) years (corporate and/or personal).
   - Proposers should identify the intended source of all funds proposed to be invested in the Licensed Premises.
PLEASE NOTE: All proposals should indicate how the proposer became aware of this concession opportunity (e.g. newspaper ad, mailing list, DOT website, etc.).

IV. EVALUATION AND SELECTION PROCEDURES

Proposals will be evaluated by a selection committee composed of a minimum of three (3) DOT employees or DOT and other City employees and, possibly, independent (non-government employed) professionals with relevant expertise, in accordance with procedures established by the Franchise and Concession Review Committee, based on the criteria listed below. The concession will be awarded to the proposer whose submission the selection committee judges best overall based on these criteria.

A. PROPOSAL EVALUATION CRITERIA

In evaluating proposals, the Selection Committee members will use the following criteria:

- Fee Offer: See Section III (C) (1) (30%)
- Planned Operations: See Section III (C) (3) (30%)
- Operating Experience: See Section III (C) (2) (20%)
- Financial Capability: See Section III (C) (4) (20%)

B. EVALUATION PROCEDURES

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

DOT cannot consider any proposal that does not comply with the “Submission Requirements” section of this RFP. Proposals that do not meet these requirements will not be evaluated. When feasible, employees of DOT will visit facilities operated by proposers.

V. OTHER GENERAL RFP REQUIREMENTS & CONDITIONS

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

Proposers are advised that DOT has the option of selecting the proposer without conducting discussions or negotiations. Therefore, proposers should submit their best proposals initially, since discussions or negotiations may not take place.

Proposers are also advised that the award of this concession is subject to applicable provisions of federal, State, and local laws and executive orders requiring affirmative action and equal employment opportunity.
Proposers have the right to appeal a determination of non-responsiveness and/or non-responsibility and have the right to protest a solicitation and award as specified in Chapter 1 of Title 12 of the Rules of the City of New York.

All RFP submission materials become the property of the City of New York and DOT. Proposal submission material will generally be made available for inspection and copying by interested parties upon written request, except when exempted from disclosure under the New York State Freedom of Information Law.

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

DOT shall not be liable for any costs incurred by proposers in the preparation of proposals or for any work performed in connection therein.

Proposers should be aware that this concession will be developed and operated pursuant to a license agreement issued by DOT. In the event this agreement is terminated, DOT will not reimburse licensee's unamortized capital improvement costs.

A proposer may submit a modified proposal to replace all or any portion of a proposal submitted up until the proposal submission deadline. DOT will only consider the latest version of the proposal. Late proposals and late modifications will not be considered for evaluation, except as provided for in Section 1-13(j)(2)(i) of the Concession Rules. Proposers may withdraw their proposals from consideration at any time before the proposal submission deadline by submitting written notice to DOT. A proposer may not withdraw its proposal before the expiration of forty-five (45) calendar days after the date of the opening of proposals; thereafter a proposer may only withdraw its proposal by submitting written notice to DOT in advance of an actual grant of a concession.

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

Proposers should be aware that, upon DOT’s request, proposer(s) will be required to submit original copies of VENDEX Vendor and Principal Questionnaires to the Mayor’s Office of Contract Services. In addition, any person or entity with at least a 10% ownership interest in the submitting vendor (including a parent company), is required to complete VENDEX Questionnaires (Principal Questionnaire for any person and Vendor Questionnaire for any entity with at least a 10% ownership interest in the submitting vendor). The concession award will be subject to completion of the VENDEX questionnaires and review of certain information contained therein by the Department of Investigation.
The New York City Comptroller is charged with the audit of concession agreements in New York City. Any person or entity that believes that there has been unfairness, favoritism or impropriety in the proposal process should inform the Comptroller’s Office of Contract Administration, 1 Centre Street, Room 835; New York, New York 10007. This office may be reached at (212) 669-2323.
EXHIBIT A
Licensed Premises (shaded area)
TOTAL 6,400 SQ.FT.