

**CITY OF NEW YORK**

**FRANCHISE AND CONCESSION REVIEW COMMITTEE**

**(Cal. No. 1)**

**RESOLVED**, that the Franchise and Concession Review Committee authorizes the New York City Department of Parks and Recreation (“Parks”) to use different procedures, pursuant to Section 1-16 of the Concession Rules, to negotiate a Sole Source License Agreement (“Agreement”) with the Alliance for Downtown New York, Inc. (“ADNY”) for the operation, management and maintenance of an outdoor café at Coenties Slip Park, Manhattan, and the maintenance of Coenties Slip Park, Manhattan. Parks anticipates that ADNY will enter into a sublicense agreement for the operation, management and maintenance of the outdoor café. ADNY shall issue a solicitation in the basic form of a Request for Proposals in order to select a sub-licensee. The sublicense agreement shall be subject to the prior written approval of Parks.

**BE IT FURTHER RESOLVED**, that Parks shall submit the Agreement it proposes to enter into with ADNY to the Franchise and Concession Review Committee for approval.

THIS IS A TRUE COPY OF THE RESOLUTION ADOPTED BY THE  
FRANCHISE AND CONCESSION REVIEW COMMITTEE ON

**June 8, 2016**

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Title: Director of the Mayor's Office of Contract Services



major along with a summary of the terms and conditions of the proposed concession upon publication of a Notice of Intent to Enter into Negotiations. The agency further certifies that it will send a copy of this notice to the members of the Committee within five days of the notice to the CB(s)/BP.

**AUTHORIZED AGENCY STAFF**

This is to certify that the information presented herein is accurate.

Name Alexander Han Title Deputy Director of Concessions

Signature  Date 5/28/2016

**CITY CHIEF PROCUREMENT OFFICER**

This is to certify that the agency's plan presented herein will comply with the prescribed procedural requisites for the award of the subject concession.

Signature  Date 5/28/2016  
City Chief Procurement Officer

## CONCESSION PRE-SOLICITATION REVIEW MEMORANDUM

A. **DETERMINATION TO UTILIZE OTHER THAN COMPETITIVE SEALED BIDS**  N/A

Instructions: Attach copy of draft RFP or other solicitation document, and check all applicable box(es) below.

The Agency has determined that it is not practicable or advantageous to use Competitive Sealed Bids because:

- Specifications cannot be made sufficiently definite and certain to permit selection based on revenue to the City alone.
- Judgment is required in evaluating competing proposals, and it is in the best interest of the City to require a balancing of revenue to the City, quality and other factors.
- The agency will be pursuing a negotiated concession for the reasons listed in section (B)(3)(b)
- Other (Describe)

The New York City Department of Parks and Recreation (Parks) will be pursuing a Sole Source License Agreement (Agreement) pursuant to Section 1-16 of the Concession Rules of the City of New York (different procedures) for the reason listed in section (B)(2).

B. **DETERMINATION TO USE OTHER THAN COMPETITIVE SEALED PROPOSALS**  N/A

1. ***Briefly summarize the terms and conditions of the concession.*** Add additional sheet, if necessary.

To be determined at a later date – when/if the Franchise and Concession Review Committee (FCRC) approves the use of a different procedure to negotiate an Agreement with the Alliance for Downtown New York, Inc. (ADNY).

2. ***Briefly explain the basis for the determination not to solicit Competitive Sealed Proposals.***

ADNY manages the Lower Manhattan Business Improvement District with the mission to “create and promote a safe, clean, live-work totally wired community, which showcases the nation’s most historic neighborhood and serves as the financial capital of the world for the twenty-first century.” ADNY will contribute to the downtown area by maintaining Coenties Slip Park on a year-round basis.

Maintenance performed by ADNY at Coenties Slip Park goes well beyond the level of maintenance Parks is able to provide, particularly in this period of budget constraints. The work done by ADNY includes general cleaning, graffiti removal, landscaping, extermination and power-washing . The outdoor café at Coenties Slip Park will enhance the economic activity of Lower Manhattan and ADNY’s maintenance of the parkland adds to the overall beautification of the area.

Parks is requesting permission to negotiate an Agreement with ADNY. Under the Agreement, ADNY would be required to operate, manage and maintain an outdoor café at Coenties Slip Park. Parks anticipates that ADNY will enter into a sublicense agreement for the operation, management and maintenance of the outdoor café, which includes providing tables and chairs. ADNY shall issue a solicitation in the basic form of a Request for Proposals in order to select a sub-licensee. The sublicense agreement shall be subject to the prior written approval of Parks. Parks anticipates that any revenues received by ADNY from the sub-licensee will be used to maintain Coenties Slip Park.

- 3a. ***Briefly explain the selection procedure that will be utilized.***

Parks is requesting FCRC authorization to utilize different procedures, pursuant to Section 1-16 of the Concession Rules of the City of New York, to negotiate an Agreement with ADNY, which will go before the FCRC on June 8, 2016 (“Step 1”). Once negotiated and if determined by Parks to be a significant concession, the agency and the FCRC will hold a joint Public Hearing on the proposed Agreement before presenting it to the FCRC for “Step 2” approval at a second meeting. If Parks determines the concession to be non-significant, the agency will present the fully negotiated Agreement with ADNY to the FCRC and request the required FCRC authorization to enter into the Agreement directly (without the need for an initial public hearing).

3b. *If the selection procedure is a negotiated concession, check the applicable box:*  N/A

The Agency made a determination that it is not practicable and/or advantageous to award a concession by competitive sealed bidding or competitive sealed proposals due to the existence of a time-sensitive situation where a concession must be awarded quickly because:

- The agency has an opportunity to obtain significant revenues that would be lost or substantially diminished should the agency be required to solicit the concession by competitive sealed bids or competitive sealed proposals and the diminished revenue does not relate only to the present value of the revenue because of the additional time needed to solicit competitive sealed bids or competitive sealed proposals; [Explain]*
- An existing concessionaire has been terminated, has defaulted, has withdrawn from, or has repudiated a concession agreement, or has become otherwise unavailable; [Explain]*
- The agency has decided, for unanticipated reasons, not to renew an existing concession in the best interest of the City and requires a substitute/successor concessionaire. [Explain]*
- DCAS is awarding a concession to an owner of property adjacent to the concession property, or to a business located on such adjacent property, and has determined that it is not in the best interest of the City to award the concession pursuant to a competitive process because of the layout or some other characteristic of the property, or because of a unique service that can be performed only by the proposed concessionaire. [Explain]*

*Approved by CCPO:* \_\_\_\_\_ *on* \_\_\_/\_\_\_/\_\_\_.

4. *If the agency has/will request unanimous FCRC approval to waive advance written notice to affected CB(s) that a selection procedure other than CSB or CSP will be utilized, explain the exigent circumstances.*

N/A



NYC Parks

Mitchell J. Silver, FAICP  
Commissioner

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## MEMORANDUM

**TO:** Honorable Gale A. Brewer, Manhattan Borough President  
Mr. Noah Pfefferblit, District Manager, Manhattan Community Board #1

**FROM:** Glenn Kaalund, Project Manager, Revenue Division 

**SUBJECT:** Sole Source Agreement between the New York City Department of Parks & Recreation ("NYCDPR") and the Alliance for Downtown New York, Inc. ("ADNY") for the Operation, Management and Maintenance of an outdoor café at Coenties Slip Park, and the maintenance of Coenties Slip Park, Manhattan

**DATE:** April 29, 2016

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Pursuant to Section 1-16 of the Concession Rules of the City of New York, this is to notify the Manhattan Borough President and Manhattan Community Board #1 that NYCDPR intends to seek Franchise and Concession Review Committee approval to utilize a different procedure to negotiate a sole source license agreement with ADNY, a New York not-for-profit corporation, for the operation, management and maintenance of an outdoor café at Coenties Slip Park and the maintenance of Coenties Slip Park, Manhattan.

This concession has been determined not to be a major concession as defined by Chapter 7 of the Rules of the City Planning Commission.

Please direct any questions and comments to Glenn Kaalund by phone at (212) 360-1397 or via email at [Glenn.Kaalund@parks.nyc.gov](mailto:Glenn.Kaalund@parks.nyc.gov). Thank you.