

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 utilize a different procedure, pursuant to Section 1-16 of the Concession Rules of the City of New York, to negotiate a Sole Source License Agreement (“Agreement”) with Row New York Inc. to operate and provide for rowing instructional programs at Paerdegat Basin, in Canarsie, Brooklyn.

BE IT FURTHER RESOLVED, that Parks shall submit the Agreement it proposes to enter into with Row New York Inc. 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**

January 13th, 2016

Date: _____

Signed: _____

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

CONCESSION AGREEMENT PRE-SOLICITATION REVIEW MEMORANDUM COVER SHEET
(Complete and attach a CPSR Memorandum only if the selection procedure will be other than Competitive Sealed Bids)

AGENCY: New York City Department of Parks & Recreation ("Parks")	CONCESSION TITLE/DESCRIPTION: Sole Source License Agreement with Row New York Inc. to operate and provide for rowing instructional programs at Paerdegat Basin, Brooklyn.
# VOTES required for proposed action = 4 <input type="checkbox"/> N/A	CONCESSION IDENTIFICATION # B406-(1)-O

SELECTION PROCEDURE
 (* City Chief Procurement Officer approval of CPSR required)

☐ Competitive Sealed Bids (CSB)
 ☐ Competitive Sealed Proposals (CSP)*

☒ Different Procedure * (☒ Sole Source Agreement ☐ Other _____)

☐ Negotiated Concession*

Recommended Concessionaire: Row New York Inc. ☒ EIN ☐ SSN # 11-3632924

Attach Memo(s) *

<p align="center">CONCESSION AGREEMENT TERM</p> <p>Initial Term: To be negotiated</p> <p>Renewal Option(s) Term: To be negotiated</p> <p>Total Potential Term: To be negotiated</p>	<p align="center">ESTIMATED REVENUE/ANTICIPATED BUSINESS TERMS (Check all that apply)</p> <p align="center">(<input type="checkbox"/> Additional description attached)</p> <p><input type="checkbox"/> Annual Minimum Fee(s) \$ _____</p> <p><input type="checkbox"/> % Gross Receipts _____%</p> <p><input type="checkbox"/> The Greater of Annual Minimum Fee(s of \$_____ v. _____% of Gross Receipts</p> <p><input checked="" type="checkbox"/> Other formula To be negotiated</p>
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LOCATION OF CONCESSION SITE(S)* ☐ N/A

Address: 1310 Paerdegat Avenue North

Borough: Brooklyn C.B. 18

Block # 8012, Lot # 1

*Attach additional sheet

CONCESSION TYPE (Check all that apply)

> Significant Concession:

☐ NO
☒ YES Basis:
 ☒ Total potential term =>10 years
☐ Projected annual income/value to City >\$100,000
☐ Major Concession

> Major Concession:

☒ NO
☐ YES - Award will be subject to review and approval pursuant to Sections 197-c and 197-d of NYC Charter.

NOTIFICATION REQUIREMENTS

Subject concession will be awarded by CSB or CSP.
 ☐ YES ☒ NO

If YES, check the applicable box(es) below:

☐ The subject concession is a Significant Concession and the Agency has/will complete its consultations with each affected CB/BP regarding the scope of the solicitation at least 30 days prior to its issuance.

☐ The subject concession is a Significant Concession and the Agency provided notification of such determination to each affected CB/BP by inclusion of this concession in the Agency's Plan pursuant to §1-10 of the Concession Rules.

☐ The subject concession has been determined not to be a Major Concession and the Agency has sent/will send written notification of such determination to each affected CB/BP at least 40 days prior to issuance of the solicitation.

☐ The subject concession has been determined not to be a Major Concession and the Agency provided notification of such determination to each affected CB/BP by inclusion of this concession in the Agency's Plan pursuant to §1-10 of the Concession Rules.

If NO, check the applicable box below:

☒ The Agency certifies that each affected CB/BP has received/will receive written notice at least 40 days in advance of the FCRC meeting at which the agency will seek approval to use a different selection procedure.

☐ The Agency certifies that based on exigent circumstances it has requested/will request unanimous approval of the FCRC to waive advance written notice to each affected CB/BP.

- ☐ The Agency certifies that each affected CB/BP will receive written notice that the concession was determined to be non-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 each affected CB/BP.

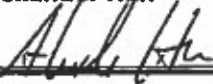
AUTHORIZED AGENCY STAFF

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

Name **Alexander Han**

Title **Deputy Director of Concessions**

Signature



Date **1/7/2016**

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 **1/7/2016**

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 ("different procedure") for the reasons 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(s), 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 a Sole Source License Agreement with Row New York Inc. to operate and provide for rowing instructional programs at Paerdegat Basin, in Canarsie, Brooklyn.

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

Launched in 2002 with one borrowed boat and eight eager rowers, Row New York Inc. ("Row NY"), a non-profit organization, empowers young people from under-resourced communities to develop confidence, build strength, and pursue excellence by participating in the competitive sport of rowing, while receiving ancillary academic support. The year-round intensive youth program, which served 228 student-athletes in 2015, remains at Row NY's core, but its programming now reaches even further and includes physical education classes for 1,500 students in District 75 schools, summer camps, adaptive programs for athletes with physical and cognitive disabilities, and fitness activities for girls in locked detention. Combined, these programs served over 2,000 New Yorkers in 2015.

Row NY currently rows out of two boathouses: the World's Fair Boathouse on Meadow Lake in Flushing Meadows Corona Park, Queens and the Peter Jay Sharp Boathouse on the Harlem River in upper Manhattan. Row NY now seeks to expand its reach to Brooklyn and offer year-round programs on the Paerdegat Basin, located at 1310 Paerdegat Avenue North. From a rower's perspective, its size, calmness of its waters, and safe and easy access to the water, make Paerdegat Basin an ideal location and one of the few places of its kind in New York City. These attributes as well as its location in Canarsie, make it an ideal fit for Row NY's year-round youth, adaptive and para-rowing, and community rowing programs.

Row NY's year-round youth rowing program consists of middle school, novice (9th grade), and varsity (10th-12th grade) programs. Row NY recruits 80% of its student-athletes from under-resourced schools in the local community, many of which offer only limited athletic opportunities. All of these student-athletes participate in the year-round program for free. The organization charges a participation fee for the remaining 20% of the student-athletes who add to the socio-economic diversity of the program and help ensure its sustainability. Row

NY's current student-athlete population reflects enormous ethnic and racial diversity--46% Hispanic, 24% African-American, 18% white, 5% Asian, 2% Middle Eastern, 1% Native American, and 4% of other races.

In the youth rowing programs, Row NY's middle school student-athletes row three times a week and high school student-athletes row five times a week. All student-athletes receive instruction and coaching in water safety, rowing basics, swim lessons, and competitive racing. In support of the primary rowing programs, student-athletes also participate one afternoon a week in academic sessions. Geared toward improving academic performance and college readiness, these sessions include, among other things, SAT and high school test preparation, small group tutoring, assistance with college and financial aid applications, and college field trips. The values of tenacity, discipline, hard work, and perseverance that student-athletes develop through Row NY are reflected in the 2014-2015 program's 100% high school graduation and college entrance rates.

Students with disabilities also benefit from Row NY's School Day Adaptive-Rowing program. In partnership with the NYC Department of Education, at its Queens boathouse Row NY conducts on-the-water rowing classes for girls from 10 schools within District 75. The schools transport the students and Para Professionals to the boathouse and Row NY provides the equipment, training, and instruction throughout the school year. It is anticipated that operating at Paerdegat would allow the organization to expand this program to 20 total schools - 10 in Queens and 10 in Brooklyn.

Individuals with cognitive and physical disabilities will also have a chance to participate in Row NY's adaptive and para-rowing programs. Presently offered in Queens, these free programs are open to individuals with disabilities who want to learn to row. Many start as beginners, progress to the recreational adaptive program, and some go on to join the competitive para-rowing program. Similar to the Sebago Canoe Club's adaptive kayaking program, the ease of access and calm waters of the Paerdegat Basin make it an ideal environment for adaptive rowing and would allow Row NY to serve an even larger number of New Yorkers with disabilities.

As in its other locations, it is anticipated that Row NY will offer rowing programs to the broader community. It is anticipated that on the weekends, beginners will be able to participate in Row NY's Learn-to-Row programs, which consist of a one day introductory lesson and expand to four week sessions. For those wishing to row regularly or who already have rowing experience, it is anticipated that Row NY would offer community rowing three days a week. In addition to engaging the participants, these fee-based community programs help to support Row NY's free year-round youth programming.

It is anticipated that Row NY's programs at Paerdegat Basin, as in its Manhattan and Queens locations, will take place on a year-round basis with on-water programming from March through November, indoor swimming and fitness training December through February, and academic programming year-round. Once up and running, a snapshot of Row NY's anticipated programs and their times, based on their experience at other locations, follows:

Program	Days/week	Hrs/Week	Weeks/year	Hrs/year	Estimated Number of Participants
RNY High School*	6	12	46	552	80
RNY Middle School*	4	8	46	368	40
District 75 School Day Adaptive*	5	10	16	160	100
Recreational Para/Adaptive*	1	3	36	108	25
Competitive Para/Adaptive*	3	6	46	276	10
Scholastic League	5	10	10	100	50
Community (Masters)	3	6	36	216	25
Learn-to-Row 1	1	4	10	40	100
Learn-to-Row 2	2	4	12	48	30

* denotes programs that are free of charge for participants (or 80% of participants for High School and Middle school programs)

It is anticipated that a Sole Source License Agreement with Row NY will allow the organization to collect fees for such programs, the proceeds of which will be used to offset a portion of the costs inherent in operating and providing for the programming.

Given that Row NY as a non-profit organization has demonstrated a specific commitment to providing free rowing instruction and academic support for underserved youth, Parks believes that it is in the best interest of the City to negotiate a Sole Source License Agreement with Row NY at Paerdegat Basin, rather than proceed with a competitive solicitation process.

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

Parks is requesting FCRC authorization to utilize a different procedure, pursuant to Section 1-16 of the Concession Rules of the City of New York, to negotiate a Sole Source License Agreement with Row NY which will go before the FCRC on January 13, 2016 ("Step 1"). Once negotiated and if determined by Parks to be a significant concession, Parks 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 public meeting. If Parks determines the concession to be non-significant, Parks will present the fully negotiated Agreement with the Row NY to the FCRC and request the required FCRC authorization to enter into the Agreement directly (without the need for an initial joint 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



Robert Garafola
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for Management, Budget,
and Public Programs

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**City of New York
Parks & Recreation**

The Arsenal
Central Park
New York, NY 10065
www.nyc.gov/parks

MEMORANDUM

TO: Hon. Eric Adams, Brooklyn Borough President
Dorothy Turano, District Manager, Brooklyn Community Board #18

FROM: Philip Abramson, NYC Parks Director of Revenue Communications *PA*

SUBJECT: Notice of Intent to Seek Franchise and Concession Review Committee Approval to Utilize a Different Procedure to Negotiate a Sole Source License Agreement with Row New York Inc. to Operate and Provide for Rowing Instructional Programs at Paerdegat Basin, Brooklyn.

DATE: December 4, 2015

Pursuant to Section 1-16 of the Concession Rules of the City of New York, this is to notify the Brooklyn Borough President and Brooklyn Community Board 18 that the New York City Department of Parks and Recreation is seeking Franchise and Concession Review Committee ("FCRC") approval to utilize a different procedure to negotiate a Sole Source License Agreement with Row New York Inc. to operate and provide for rowing instructional programs at Paerdegat Basin, Brooklyn.

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

If you have any questions or comments, please feel free to contact Philip Abramson, NYC Parks Director of Revenue Communications, by phone at (212) 360-3426 or via email at philip.abramson@parks.nyc.gov.

Thank you.