

**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 Permit Agreement (Agreement) with City University of New York (CUNY) on behalf of Kingsborough Community College (KCC) for the operation and maintenance of a parking lot at Manhattan Beach Park, in the Borough of Brooklyn.

**BE IT FURTHER RESOLVED**, that Parks shall submit the Agreement it proposes to enter into with KCC 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**

August 8, 2018

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)*

<b>AGENCY:</b> <u>New York City Department of Parks and Recreation</u>	<b>CONCESSION TITLE/DESCRIPTION:</b> <u>Operation and maintenance of a parking lot at Manhattan Beach Park, Brooklyn</u>
<b># VOTES required for proposed action =</b> <u>4</u> <input type="checkbox"/> N/A	<b>CONCESSION IDENTIFICATION #</b> <u>B251-PL</u>

**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: City University of New York (CUNY) on behalf of Kingsborough Community College  
 EIN #13-3893536  SSN Attach Memo(s) \*

<p align="center"><b>CONCESSION AGREEMENT TERM</b></p> <p>Initial Term: <u>To be negotiated</u></p> <p>Renewal Option(s) Term: <u>To be negotiated</u></p> <p>Total Potential Term: <u>To be negotiated</u></p>	<p align="center"><b>ESTIMATED REVENUE/ANTICIPATED BUSINESS TERMS</b> (Check all that apply)</p> <p><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 <u>To be negotiated</u></p>
<p>LOCATION OF CONCESSION SITE(S)* <input type="checkbox"/> N/A</p> <p>Address: <u>Oriental Boulevard and Irwin Street, Manhattan Beach Park</u></p> <p>Borough <u>Brooklyn</u>: C.B. # <u>15</u></p> <p>Block #: <u>8760</u> Lot #: <u>485</u> *Attach additional sheet</p>	

**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.

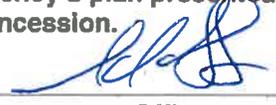
Name: Alexander Han Title: Director of Concessions

Signature: 

Date: 6/29/2018

**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: 7/25/2018

City Chief Procurement Officer

# CONCESSION AGREEMENT 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 Permit Agreement ("Agreement") pursuant to Section 1-16 ("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.**

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 Concession Agreement with City University of New York (CUNY) on behalf of Kingsborough Community College (KCC) for the operation and maintenance of a parking lot at Manhattan Beach Park, Brooklyn.

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

During the "beach season" (defined as "the period each year from mid-May through mid-September") the parking lot at Manhattan Beach Park is operated pursuant to a concession license agreement. The license agreement, which was awarded through a competitive solicitation process (Request for Proposals), allows the concessionaire to operate - in addition to the parking lot - a snack bar, beach shop and six (6) mobile food units at Manhattan Beach Park. Manhattan Beach Park, in addition to waterfront access, contains ball fields, tennis courts and a playground; park visitors can use the park year round, weather permitting. Although the park is heavily used by park patrons during the "beach season," attendance by park patrons drops significantly after Labor Day. The parking lot is therefore available for parking by students who attend nearby KCC. The general public can still use the parking lot to access the park during the period when the lot is operated by KCC.

KCC, located in the heart of Manhattan Beach on Coney Island, has been a valued and responsible operator of the Manhattan Beach parking facility for many years, including the prior three (3) seasonal sole source agreement terms, the most recent of which expires May 12, 2019. Although there are other parking lot operators that could conceivably be interested in operating this concession during the academic year, a competitive proposal process for this parking lot is not in the City's best interests. KCC sells its parking permits to KCC faculty and staff at a rate of \$110 per year and KCC students at a rate of \$55 per semester. KCC did not raise the cost of parking permits for its students at any time during the previous sole source agreement term. A private operator's rates would most likely place parking privileges beyond many students' economic means. By providing parking for their students, KCC is also alleviating the stresses on street parking in this residential neighborhood.

Thus, approval of a sole source procedure is in the best interests of the City of New York.

**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 Permit Agreement with KCC which will go before the FCRC

on August 8, 2018 ("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 KCC 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 each affected CB/BP that a selection procedure other than CSB or CSP will be utilized, explain the exigent circumstances. *[Explain]*  **N/A**



NYC Parks

**Alyssa Cobb Konon**  
Deputy Commissioner  
Planning and Development

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**City of New York  
Parks & Recreation**

The Arsenal  
Central Park  
New York, NY 10065  
[www.nyc.gov/parks](http://www.nyc.gov/parks)

## MEMORANDUM

**TO:** Honorable Eric L. Adams, Brooklyn Borough President  
Ms. Laura Singer, District Manager, Brooklyn Community Board #15

**FROM:** Glenn A. Kaalund, Senior Project Manager, Revenue Division 

**SUBJECT:** Sole Source Permit Agreement between the New York City Department of Parks & Recreation and the City University of New York (CUNY) on behalf of Kingsborough Community College for the Operation and Maintenance of a Parking Lot at Manhattan Beach Park, Brooklyn

**DATE:** June 29, 2018

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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 #15 that the New York City Department of Parks and Recreation intends to seek Franchise and Concession Review Committee approval to utilize a different procedure to negotiate a sole source Permit agreement with CUNY on behalf of Kingsborough Community College for the operation and maintenance of a Parking Lot at Manhattan Beach Park, Brooklyn.

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 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.