

MEMORANDUM

To All NYC Borough Presidents
All NYC Community Board Presidents

From Christina Rowley, VP of Licensing New York City Tourism + Conventions

CC: Daryl Williams, Department of Small Business Services
FCRC@mocs.nyc.gov
Alexandre Stamoulis, Mayor's Office of Contract Services
James Goebel, Mayor's Office of Contract Services
Natalie Koepff, New York City Tourism + Conventions

Subject Notice of Intent to Seek FCRC approval to utilize a different procedure to negotiate a Sole Source License Agreement with New York Popular, Inc. for the non-exclusive use of city-owned trademarks on merchandise

Date **12/1/2023**

In accordance with Section 1-16 of the Concession Rules of the City of New York, New York City Tourism + Conventions, on behalf of the NYC Department of Small Business Services, is seeking Franchise and Concession Review Committee approval to utilize a different procedure to negotiate a sole source license agreement with New York Popular, Inc for the non-exclusive use of city-owned trademarks on merchandise.

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 Christina Rowley, crowley@nyc tourism.com.

Thank you.

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 Tourism + Conventions on behalf of NYC Department of Small Business Services	CONCESSION TITLE/DESCRIPTION: Non-Exclusive Use of City-Owned Trademarks on Merchandise CONCESSION IDENTIFICATION # NYCCO-2023-006
# VOTES required for proposed action = 4 <input type="checkbox"/> N/A	

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

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

Different Procedure * (Sole Source Agreement Other _____)

Negotiated Concession*

Recommended Concessionaire: New York Popular, Inc. EIN SSN # 54-2073943
 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>
<p>LOCATION OF CONCESSION SITE(S)* <input checked="" type="checkbox"/> N/A</p> <p>Address _____</p> <p>Borough _____ C.B. _____</p> <p>Block # _____ Lot # _____</p> <p><small>*Attach additional sheet</small></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 _____ Title _____

Signature _____ Date __/__/__

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 __/__/__

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)

New York City Tourism + Conventions Inc. on behalf of New York City Department of Small Business Services (SBS), intends to seek Franchise and Concession Review Committee approval to utilize a different procedure to negotiate a non-exclusive, sole source license agreement with New York Popular Inc. pursuant to Section 1-16 of the Concession Rules of the City of New York (different procedures) for the reasons listed in Section (B)(2) below.

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 an agreement with New York Popular Inc

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

NY Popular is located 20 miles outside of NYC with an over 1 million square foot warehouse. NY Popular is a unique company that is completely vertical. They can design, cut, sew and print an apparel item from 1 location in an extremely tight turnaround of 1 day without charging a premium for rush service and producing high quality apparel items. NY Popular provides a scalable operation, with the ability to print 10 pieces to 10,000+ pieces in 1 day without requiring minimum order numbers, providing valuable benefits for quick turn programs, flexibility and the ability to jump on trends for the City. There are no companies that are able to offer all the capabilities that NY Popular provides – no minimum quantity order, 1-day turn around without premium payment for rush orders, local sourcing from garment to embellishment all while providing a completely vertical solution. While print on demand apparel services are common, it is not common for a company to make the actual garment, maintain flexible stock inventory and to embellish (print or embroider) from start to finish. For these reasons, it is in the City's best interest to continue the relationship and negotiate a sole source agreement with NY Popular, Inc.

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

NYC Tourism + Conventions, Inc. (NYC Tourism)/SBS is requesting 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 agreement with NY Popular for the non-exclusive use of City-owned trademarks on apparel and accessories. NY Popular, Inc. currently holds an agreement with the City and is one of the City's best licensees. NY Popular is regarded as one of our most reliable partners and integral in maintaining City's trademark portfolio for offensive and defensive purposes which is critical to legal protection for City marks and the Law Department's enforcement efforts. Because of NY Popular's completely vertical business they have been able to provide the City with multiple quick turn items for not only quick trends but last minute events, while maintaining a steady and increasing souvenir shop business. NY Popular has been financially responsible meeting all royalty requirements and it continually builds upon the success of the licensing business year over year. For these reasons, it is in the City's best interest to

continue the relationship and negotiate a sole source agreement with NY Popular, Inc. This proposed non-exclusive license agreement will not bar opportunities for other types of apparel manufacturers.

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**

CITY OF NEW YORK

FRANCHISE AND CONCESSION REVIEW COMMITTEE

(Cal. No. 1)

RESOLVED, that the Franchise and Concession Review Committee (“FCRC”) authorizes New York City Tourism + Conventions on behalf of the New York City Department of Small Business Services (“SBS”) to utilize a different procedure, pursuant to Section 1-16 of the Concession Rules of the City of New York, to negotiate a non-exclusive, Sole Source License Agreement with New York Popular Inc for the non-exclusive use of city-owned trademarks on merchandise.

BE IT FURTHER RESOLVED, that New York City Tourism + Conventions on behalf of SBS shall submit the License Agreement SBS proposes to enter into with New York Popular Inc to the FCRC for approval.

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

January 10, 2024

Date:

Signed: _____

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

MEMORANDUM

To All NYC Borough Presidents
All NYC Community Board Presidents

From Christina Rowley, VP of Licensing New York City Tourism + Conventions

CC: Daryl Williams, Department of Small Business Services
FCRC@mocs.nyc.gov
Alexandre Stamoulis, Mayor's Office of Contract Services
James Goebel, Mayor's Office of Contract Services
Natalie Koepff , New York City Tourism + Conventions

Subject Notice of Intent to Seek FCRC approval to utilize a different procedure to negotiate a Sole Source License Agreement with Daron Worldwide Trading, LLC. for the non-exclusive use of city-owned trademarks on merchandise.

Date **12/1/2023**

In accordance with Section 1-16 of the Concession Rules of the City of New York, New York City Tourism + Conventions on behalf of the NYC Department of Small Business Services, is seeking Franchise and Concession Review Committee approval to utilize a different procedure to negotiate a sole source license agreement with Daron Worldwide Trading, LLC for the non-exclusive use of city-owned trademarks on merchandise.

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 Christina Rowley, crowley@nyctourism.com.

Thank you.

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 Tourism + Conventions on behalf of NYC Department of Small Business Services	CONCESSION TITLE/DESCRIPTION: Non-Exclusive Use of City-Owned Trademarks on Merchandise CONCESSION IDENTIFICATION # NYCCO-2023- 007
# VOTES required for proposed action = 4 <input type="checkbox"/> N/A	

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

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

Different Procedure * (Sole Source Agreement Other _____)

Negotiated Concession*

Recommended Concessionaire: Daron Worldwide Trading, LLC. EIN SSN # 22-3346802
 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>
<p>LOCATION OF CONCESSION SITE(S)* <input checked="" type="checkbox"/> N/A</p> <p>Address _____</p> <p>Borough _____ C.B. _____</p> <p>Block # _____ Lot # _____</p> <p><small>*Attach additional sheet</small></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.
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AUTHORIZED AGENCY STAFF

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

Name _____ Title _____

Signature _____ Date __/__/__

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 __/__/__

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)

New York City Tourism + Conventions Inc. on behalf of New York City Department of Small Business Services (SBS), intends to seek Franchise and Concession Review Committee approval to utilize a different procedure to negotiate a non-exclusive, sole source license agreement with Daron Worldwide Trading, LLC pursuant to Section 1-16 of the Concession Rules of the City of New York (different procedures) for the reasons listed in Section (B)(2) below.

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 an agreement with Daron Worldwide Trading, LLC

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

Daron Worldwide Trading, LLC (Daron) is America's largest source of aviation related collectibles and transportation-themed toys. Serving the aviation industry and independent toy and hobby retailers, Daron also warehouses items in the New York City area. Daron has been one of the most successful licensees within the licensing program for 15+ years. Daron has developed a large base of customers who seek out replica vehicles branded with the City IP and made them commercially successful within the City's Licensing program where small orders and fast distribution in the NYC area are critical. Daron has unique access to retail channels that are very important to the City's licensing program – FAO Schwartz, Hudson News, and key airport retail channels across the United States that targets a tourism travel market for last minute souvenir and gift purchases. Daron also creates specialized packaging with retailer branding, and invests in marketing/point of sale displays giving the City elevated visibility into key New York City specialty toy stores. For these reasons, it is in the City's best interest to continue the relationship and negotiate a sole source agreement with Daron. This proposed non-exclusive license agreement will not bar opportunities for other types of toy replica vehicle manufacturers.

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

New York City Tourism + Conventions/SBS is requesting 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 agreement with Daron Worldwide Trading, LLC for the non-exclusive use of City-owned trademarks on toy vehicles. Daron currently holds an agreement with the City and has become one of the City's best licensees. It is a mainstay for production of core City marks on toys and has unique retail relationships that appeal to the tourism travel market nationally. Given the unique need for the City to have a reliable high quality toy manufacturer that caters to all levels of retail within the New York City market as well as the national airport market, Daron's success, reliability and consistent payment history, we believe it is in the City's best interest to continue its relationship with Daron with a new sole source agreement. We intend to bring this matter before the FCRC for a vote January 10, 2024 ("Step 1"). Once negotiated and if determined by New York City Tourism + Conventions/SBS to be a significant concession, NYC Tourism/SBS

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 NYC Tourism/SBS determines the concession to be non-significant, NYC Tourism/ SBS will present the fully negotiated Agreement directly (without 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**

CITY OF NEW YORK

FRANCHISE AND CONCESSION REVIEW COMMITTEE

(Cal. No. 2)

RESOLVED, that the Franchise and Concession Review Committee (“FCRC”) authorizes New York City Tourism + Conventions on behalf of New York City Department of Small Business Services (“SBS”) to utilize a different procedure, pursuant to Section 1-16 of the Concession Rules of the City of New York, to negotiate a non-exclusive, Sole Source License Agreement with Daron Worldwide Trading, LLC for the non-exclusive use of city-owned trademarks on merchandise.

BE IT FURTHER RESOLVED, that New York City Tourism + Conventions on behalf of SBS shall submit the License Agreement SBS proposes to enter into with Daron Worldwide Trading, LLC to the FCRC for approval.

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

January 10, 2024

Date:

Signed: _____

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

MEMORANDUM

To All NYC Borough Presidents
All NYC Community Board Presidents

From Christina Rowley, VP of Licensing New York City Tourism + Conventions

CC: Daryl Williams, Department of Small Business Services
FCRC@mocs.nyc.gov
Alexandre Stamoulis, Mayor's Office of Contract Services
James Goebel, Mayor's Office of Contract Services
Natalie Koepff , New York City Tourism + Conventions

Subject Notice of Intent to Seek FCRC approval to utilize a different procedure to negotiate a Sole Source License Agreement with New Era Cap Co, Inc. for the non-exclusive use of city-owned trademarks on merchandise

Date **12/1/2023**

In accordance with Section 1-16 of the Concession Rules of the City of New York, New York City Tourism + Conventions, on behalf of the NYC Department of Small Business Services, is seeking Franchise and Concession Review Committee approval to utilize a different procedure to negotiate a sole source license agreement with New Era Cap Co, Inc for the non-exclusive use of city-owned trademarks on merchandise.

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 Christina Rowley, crowley@nyctourism.com

Thank you.

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 Tourism + Conventions. on behalf of NYC Department of Small Business Services	CONCESSION TITLE/DESCRIPTION: Non-Exclusive Use of City-Owned Trademarks on Merchandise CONCESSION IDENTIFICATION # NYCCO-2023-011
# VOTES required for proposed action = 4 <input type="checkbox"/> N/A	

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

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

Different Procedure * (Sole Source Agreement Other _____)

Negotiated Concession*

Recommended Concessionaire: New Era Cap Co, Inc. EIN SSN # 16-0770131
 Attach Memo(s) *

<p align="center">CONCESSION AGREEMENT TERM</p> <p>Initial Term: to be negotiated 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>
<p>LOCATION OF CONCESSION SITE(S)* <input checked="" type="checkbox"/> N/A</p> <p>Address _____</p> <p>Borough _____ C.B. _____</p> <p>Block # _____ Lot # _____</p> <p><small>*Attach additional sheet</small></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:

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AUTHORIZED AGENCY STAFF

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

Name _____ Title _____

Signature _____ Date __/__/__

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 __/__/__

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.

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- 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)

New York City Tourism + Conventions Inc. on behalf of New York City Department of Small Business Services (SBS), intends to seek Franchise and Concession Review Committee approval to utilize a different procedure to negotiate a non-exclusive, sole source license agreement with New Era Cap Co., Inc. pursuant to Section 1-16 of the Concession Rules of the City of New York (different procedures) for the reasons listed in Section (B)(2) below.

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 an agreement with New Era Cap Co., Inc. .

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

New Era Cap Co., Inc. is a globally recognized company that is incorporated in New York state in the headwear and apparel department with expertise in headwear for almost all major sports leagues since the 1920's. New Era Cap Co., Inc. continues to be the leading headwear brand with its large fan base spanning across all major sports, entertainment, and lifestyle brands while maintaining the strongest retail placement of any headwear brand. New Era Cap Co., Inc. is the exclusive hat manufacturer for the NFL and MLB for on field headwear. New Era has continually and successfully highlighted the FDNY and NYPD marks for the City's Licensing Program in extremely high-profile games such as opening night for the NFL as well as all major sports teams 9/11 tributes. For these reasons it is in the City's best interest to negotiate a sole source agreement with New Era Cap Co., Inc. This proposed non-exclusive license agreement will not bar opportunities for other types of headwear and apparel manufacturers.

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

NYC Tourism + Conventions, Inc. (NYC Tourism)/SBS is requesting 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 agreement with New Era Cap Co., Inc. for the non-exclusive use of City-owned trademarks on headwear, apparel and accessories. New Era currently holds an agreement with the City and continues to bring national and international recognition to our trademarks through high profile professional games, which are broadcasted on TV nationally. New Era has the exclusive rights to on field headwear for the NFL and MLB, so for the City's trademarks to be used/honored in any game New Era is the only company who can manufacture the hats. New Era has been financially responsible meeting all royalty requirements and it continually builds upon the success of the licensing business year over year. For these reasons, it is in the City's best interest to continue the relationship and negotiate a sole source agreement with New Era Cap Co., Inc. This proposed non-exclusive license agreement will not bar opportunities for other types of headwear or apparel manufacturers.

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**

CITY OF NEW YORK

FRANCHISE AND CONCESSION REVIEW COMMITTEE

(Cal. No. 3)

RESOLVED, that the Franchise and Concession Review Committee (“FCRC”) authorizes New York City Tourism + Conventions on behalf of New York City Department of Small Business Services (“SBS”) to utilize a different procedure, pursuant to Section 1-16 of the Concession Rules of the City of New York, to negotiate a non-exclusive, Sole Source License Agreement with New Era Cap Co, Inc. for the non-exclusive use of city-owned trademarks on merchandise.

BE IT FURTHER RESOLVED, that New York City Tourism + Conventions on behalf of SBS shall submit the License Agreement SBS proposes to enter into with New Era Cap Co, Inc. to the FCRC for approval.

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

January 10, 2024

Date:

Signed: _____

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