

VENDING

REQUEST FOR EXPRESSIONS OF INTEREST



CITY OF NEW YORK

DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES

I. INTRODUCTION

The New York City Department of Citywide Administrative Services (“DCAS”) is releasing this Request for Expressions of Interest (“RFEI”) to engage and solicit information and feedback from interested parties regarding commercially and technologically viable vending solutions. This RFEI is intended to inform a future Request for Proposals (“RFP”) or other solicitation for the creation and operation of unattended vending areas on property owned by the City of New York (the “City”). Such property could range from being suitable for accommodating as little as one vending machine, to hosting a significantly larger and more varied vending installation. Also, such property could be a viable location for food and beverages, non-food goods or services, or a mix of some or all of these. It is intended that any project resulting from such a solicitation provide the highest possible functionality from the lowest possible level of expenditure.

Over the past few years, unattended vending options have seen a vast improvement in the US and in much of the world. While vending innovations arrived in some countries, such as Japan, much earlier than in others, consumers have begun to associate vending—whether machines themselves, coffee service, micro markets, or other vending elements—with wide selection, high quality, and reasonable prices which would have been almost unimaginable not too long ago. It is this combination which the City seeks to offer industry participants the opportunity to provide.

Among the elements of solutions which are of particular interest to DCAS:

- Viability on vacant land, including spaces as small as several square feet (for example a single vending machine on a small outdoor lot), and in semi-permanent and temporary structures (for example a micro market in a shipping container, or in a structure with partial exposure to the elements).
- Viability in locations with no access to utilities, where power and other such needs are provided onsite or by machines internally.
- Incorporation of offerings which serve as a complement to traditional vending, including machines providing goods or services which enhance foot traffic.
- Solutions with the functionality and appeal of those generally found in closed locations (e.g., micro markets) but which are able to be open to the general public.

DCAS is interested in assessing the extent to which respondents’ solutions will be expandable within a given location, scalable to multiple locations, and adaptable to public buildings and spaces reflective of New York City’s:

- Market demographics, including areas with population densities ranging from moderate to very high, with differing levels of foot traffic and vehicle-per-day counts, and of pedestrian, transit, and vehicular access; locations with complete, limited, and no public access; and differences in suitable product mix resulting from local demand drivers and day-part activity.
- Topography, geography, and other land characteristics, including steep slopes and waterfront locations, and areas with varying levels of pavement coverage and utility connections.
- Weather and seasons, including locations with year-round outdoor use.

DCAS also seeks to assess the suitability for wider adoption of technology standards included in responses.

DCAS welcomes responses from all interested parties, including but not limited to:

- Vending and food service companies, such as owners, operators, manufacturers, and distributors of vending machines, coffee service locations, and micro markets.
- Technology companies, such as developers and suppliers of sensors, RFID, machine vision, mobile payments, logistics, packaging, security, telemetry, and data analytics.

- Suppliers of merchandise suitable for vending.
- Scholars, nonprofits, and associations.

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II. CONTENTS OF RESPONSES

- a. Responses should contain the following, in this order:
 - i. Contact information, including the legal name of the respondent, business address, name of contact, telephone, and email. (Maximum one page.)
 - ii. Respondent overview that describes the organization and addresses its qualifications related to the response to this RFEI. (Maximum two pages.)
 - iii. Intended solution(s) (Note: responses may follow the outline format or use another format of the respondent's choosing. Respondents are encouraged to address all items, and are free to address each item directly or to use the items as guideposts. If a precise answer is not possible with regard to any item, or if the solution(s) diverges from the premise of an item such that the item is either unsuited to the solution(s) or is inapplicable, the respondent may wish to include a more general or qualitative answer or indicate the divergence or inapplicability.) (Also please note that in the "Larger context" section, there is an item involving aspects of solution(s) which diverge from the concept of the RFEI.)
 1. Overall:
 - a. Concise conceptual overview of the solution(s).
 - b. Brief overview of:
 - i. Markets and coverage area.
 - ii. Physical plant and technology.
 - iii. Manufacturing and installation.
 - iv. Financing and viability.
 - c. Brief description of the qualitative aspects of the solution(s).
 - d. Key historical or other precedents or inspiration (if any).
 - e. Applicability of the concept of good value for money.
 2. Markets and coverage area:
 - a. More detailed overview (if necessary).
 - b. Location and site selection.
 - c. Range of uses and outfitting:
 - i. Products and services able to be and intended to be offered (including but not limited to those involving temperature-control needs, and those which result in odors or heated residue).
 - ii. Machines and equipment able to be and intended to be used on premises (if not discussed above); extent to which such machines and equipment can or must be built in or added separately; extent of off-the-shelf/commoditized and vs. sole-purpose/customized.
 - iii. Extent and ease of adaptability once built.
 - d. Discussion of complementary uses, including but not limited to ideal or suitable other uses at a given location or nearby.
 - e. Seasonality and day-part activity.
 - f. Supporting facilities required to supply a site or multiple sites, and general discussion of intended or existing locations of such supporting facilities.
 - g. Zoning: extent to which suitability in New York City's range of zoning districts has been considered (please visit

<https://www1.nyc.gov/site/planning/zoning/districts-tools.page>
for more information about zoning districts).

3. Physical plant and technology:
 - a. More detailed overview (if necessary).
 - b. Historical or other precedents or inspiration.
 - c. More detailed discussion (if necessary) of:
 - i. Layout, including diagram(s); same-site extensibility and multi-site scalability.
 - ii. Physical structure components, and intended function and capacity of each:
 1. Host structures.
 2. Ground or floor surfaces or platforms.
 - iii. Built-ins and other equipment, and intended function of each (if not addressed elsewhere in the response).
 - iv. Sinks, sanitary facilities (if any), and appliances (if not discussed elsewhere) (please see also “Utilities” below).
 - d. Minimum and maximum site footprint; dimensions (including suitability on lots with non-standard shapes and sizes).
 - e. Anticipated useful life; parallels and precedents.
 - f. Suitability of the solution(s) in various building and lot conditions, including grade, dryness, pavement, and utilities; extent of required supporting infrastructure; required street widths, sidewalks, vehicle turning radii, and size and number of points of ingress and egress. Extent to which the greatest possible functionality will be derived from each unit of expenditure.
 - g. Freight and loading (inbound and outbound), mail and shipping (if any), and trash.
 - h. Storage (onsite and offsite).
 - i. Utilities: in general, and approach to achieving maximum capacity and flexibility (present and future) at minimum cost.
 - j. Suitability in various weather and environmental conditions; anticipated capacity to maintain structural integrity and remain operational during and after adverse events; precipitation and runoff flow patterns, in general and with respect to eaves, curbs, and other relevant features.
 - k. Maintenance and durability: suitability of the solution(s) in various demographic and foot-traffic conditions; anticipated intervals, expense, and downtime associated with scheduled ongoing maintenance and deeper overhauls (if any); capacity to withstand, and expense and downtime to repair natural and other casualty.
 - l. Sanitation and cleaning; impact of physical layout on these factors (if not addressed elsewhere in the response).
 - m. Lighting; security (if not addressed elsewhere in the response).
 - n. Dust, noise, illumination, and other emanations: description or other details of type or extent; day parts or hours; radius; intensity (and means of measurement if any); mitigation methods to be used.

- o. Fire safety and suppression.
 - p. Technology, including discussion of standards intended to be used, and interoperability with other systems and technologies.
 - q. Potential for incorporating or attaching telecommunications equipment.
 - r. Aesthetics.
4. Manufacturing and installation:
- a. More detailed overview (if necessary).
 - b. Manufacturing of each component and of the overall structure(s) (if any), including but not limited to:
 - i. Offsite or onsite manufacturing; use of modular construction methods and techniques.
 - ii. Relevance of traditional methods and techniques; supply chain issues and other factors influencing current or potential application of such methods and techniques.
 - iii. Extent, methods, and techniques of possible customization; economies of scope and scale; approach to achieving high levels of design variation and low cost.
 - iv. Extent to which the New York City Building Code and related regulations have been considered; extent to which the New York City Department of Buildings has been or is intended to be engaged.
 - c. Packing and shipping from manufacturing site (or other source) to construction site; storage; security.
 - d. Site preparation, including approach to economies of scale and to cost control.
 - e. Assembly, including ease of assembly; skill levels; tools and standards; materials, and the extent to which non-included materials will need to be sourced (and, if known, from where).
 - f. Technology standards and applications intended to be used in connection with manufacturing and installation.
5. Larger context:
- a. More detailed overview (if necessary).
 - b. Aspects of the solution(s) which are not covered elsewhere in this RFEI but which the respondent would like to emphasize (please note that the respondent is free to submit a solution(s) which diverges from the concept of the RFEI as the respondent understands it).
 - c. Pilot project(s) (existing or suggested).
6. Viability and financing:
- a. Overview of the general approach to financing, including order-of-magnitude estimates of project cost (initial and expansion), anticipated revenue, length of agreement, future capital improvements, maintenance, and useful life; factors affecting viability of intended financial approach.
 - b. Viable use or occupancy costs for users; payback periods and capitalization (if not addressed in (a), above).

- c. Factors affecting viability of the intended solution(s), including but not limited to stage of development, extent of existing installed base, known or anticipated issues of stability and security, legal and regulatory matters, and risks to buildout and operation.
- iv. Photographs, illustrations, and renderings (if not included elsewhere).
- v. Supporting documentation (optional):
 - 1. Provide any supporting documentation, including details about precedent projects, as an appendix to the response.

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III. ADMINISTRATIVE AND PROCEDURAL MATTERS

a. Additional Information:

- i. This RFEI is not intended as a formal offering for the award of a contract and participation by a respondent is not a requirement for participation in any future solicitation that DCAS may undertake. A failure to respond to this RFEI will not be detrimental to the consideration of a response to any such future solicitation. This RFEI is preliminary in nature. DCAS does not intend to grant or issue any agreements on the basis of this RFEI.
- ii. DCAS, the City, and their officials, officers, agents, and employees make no representation or warranty and assume no responsibility for the accuracy of the information set forth in this RFEI.
- iii. Neither DCAS nor the City shall be liable for any costs incurred by any respondent in connection with the preparation, submittal, presentation, clarification, or revision of its submission.
- iv. All responses and other materials submitted to DCAS in response to this RFEI may be disclosed in accordance with the standards specified in the Freedom of Information Law, Article 6 of the Public Officers Law (“FOIL”). The entity submitting a response may provide in writing, at the time of submission a detailed description of the specific information contained in its submission, which it has determined is a trade secret and which, if disclosed, would substantially harm such entity's competitive position. This characterization shall not be determinative, but will be considered by DCAS when evaluating the applicability of any exemptions in response to a FOIL request.
- v. DCAS at its sole discretion reserves, without limitation, the right to:
 1. Withdraw the RFEI at any time;
 2. Not issue an RFP or other solicitation;
 3. Discuss various approaches with one or more respondents (including parties not responding to the RFEI);
 4. Use the ideas and/or submissions in any manner deemed to be in the best interests of DCAS and the City, including but not limited to soliciting competitive submissions relating to such ideas or proposals and/or undertake the prescribed work in a manner other than that which is set forth herein; and
 5. Change any terms of the RFEI.

b. Submission Process:

- i. DCAS requires that responses be submitted via email, to concessions@dcas.nyc.gov, with the subject line “Vending RFEI - 6 - Submission”. DCAS can accept a variety of electronic formats including MS Word, MS Excel, MS PowerPoint, Portable Document Format (.pdf) files, or other industry standard file types. Emails, including attachments, must be below 20 megabytes; if an email would exceed that size, the respondent should instead send the response on a flash drive or other industry standard removable media to:

Jon Kraft
Senior Portfolio Manager, Asset Planning, Real Estate Services
New York City Department of Citywide Administrative Services
One Centre Street, 20th Floor
New York, NY 10007

In addition it is requested (but not required) that all respondents send a hard copy to this address.

- ii. If a respondent submits more than one response before the due date, only the latest of these will be considered.
- c. Respondent Questions:
 - i. Any inquiries related to this RFEI should be directed by email, with the subject line “Vending RFEI - 6 - Q&A”, to concessions@dcas.nyc.gov. The deadline for submission of written requests for clarification is 10/7/2022 at 2:00 PM (ET). DCAS will endeavor to respond to questions no later than 10/14/2022.
- d. Due date:
 - i. The due date for final responses to the RFEI is 10/21/2022 at 2:00 PM (ET).
- e. Timeline:
 - i. DCAS anticipates releasing one or more solicitations involving the subject matter of this RFEI in early 2023.
- f. Updates, addenda, and answers to questions:
 - i. Before submitting a response to this RFEI, respondents should check for updates, addenda, and DCAS’ answers to questions potentially of interest to all respondents at <https://www1.nyc.gov/site/dcas/business/real-estate-rfps-rfbs-rfeis.page#rfeis>.

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APPENDIX A

New York City Department of Health and Mental Hygiene:
Food Standards for Food Vending Machines

Snack Standards

1 Require snacks meet all of the following criteria, per package:

Calories: no more than 200 calories

Total fat: no more than 7 grams

- ⋮ Nuts, seeds, nut butters and cheese are exempt
- ⋮ Products containing nuts or nut butters are exempt

Saturated fat: no more than 2 grams

- ⋮ Nuts, seeds, nut butters and cheese are exempt

Trans fat: 0 grams trans fat

Sodium: no more than 200 mg

- ⋮ Cottage cheese: no more than 400 mg

Sugar: no more than 10 grams

- ⋮ Fruit and vegetable products with no added sugar are exempt
- ⋮ Yogurt: no more than 30 grams sugar per 8 ounces

Fiber: contain at least 2 grams of fiber, if product is grain/potato-based (e.g. granola bars, crackers, pretzels, cookies, chips)

2 Require calorie information is posted for each food item, as packaged.

Required for City agencies only.

3 For programs serving children age 18 and under: products cannot contain artificial flavors, artificial colors, artificial sweeteners, or other non-nutritive sweeteners (e.g. stevia, erythritol).

4 Recommend limit grain/potato-based snacks to no more than 50% of food items in machine.

Follow these Standards to provide healthier food options.

Organizations, such as hospitals, worksites, and community-based organizations can adopt the Standards to improve the food environment for employees and visitors.

City agencies follow these standards per Executive Order 122.

These Standards apply to all types of food vending machines including non-refrigerated "snack" and refrigerated machines.

Snacking in excess can lead to weight gain. Snacks, when consumed, should add healthy nutrients to the overall diet and help curb hunger.

Meal Standards

Meal items include salads, sandwiches, burritos, and combination packaged items such as tuna lunch kits. Breakfast breads and pastries must meet the snack standards.

1 Require each meal meet all of the following criteria:

Calories: no more than 700 calories (all items \leq 200 calories must follow snack standards)

Total fat: no more than 35% of calories

⋮ Salads: no more than 60% of calories

Saturated fat: no more than 10% of calories

⋮ Salads: no more than 20% of calories

Trans fat: 0 grams trans fat

Sodium: no more than 800 mg

⋮ Soup: no more than 480 mg per 8 ounces

Sugar: no more than 35% of calories

2 Refrigerated machines must stock fresh fruit and vegetable items.

3 Require calorie information is posted for each food item, as packaged.

Required for City agencies only.

4 For programs serving children age 18 and under: products cannot contain artificial flavors, artificial colors, artificial sweeteners, or other non-nutritive sweeteners (e.g. stevia, erythritol).

APPENDIX B

New York City Department of Health and Mental Hygiene:
Guide to Starting a Time and Temperature for Food Safety (TCS) Vending Machine Operation in NYC

Guide to Starting a Time and Temperature for Food Safety (TCS) Vending Machine Operation in NYC

To operate a food vending machine in New York City a food service permit is required for each machine. In order to apply for and receive approval for the vending machines - food service establishment permit, a submission packet must be submitted to:

Marina Politis, Director
Mpolitis@health.nyc.gov
125 Worth Street, CN 59A
Room, 1020
New York 10013
212 676-1600

Carl Brissett, Director
cbrisset@health.nyc.gov
125 Worth Street, CN 59A
Room, 1020
New York 10013
212 676-1600

Submission Packet Requirements

1. Specify the type of menu items and how they will be vended from the machines.
2. Submit detailed signed and dated Standard Operating Procedures (SOP) to include all activities such as who does what, when, how and where as part of the vending machine operation including food preparation, handling, packaging, storage, delivery schedule, route schedule, mode of transportation including temperature recording in transit, loading, dispensing from vending machine, rotation schedule for TCS foods, clean-up procedures, sanitization, pest control and waste disposal of the waste generated.
3. Packaged foods must be labeled in accordance with Federal and NYS Department of Agriculture and Market's Food labeling laws <https://agriculture.ny.gov/food-safety/food-labeling>. Unpasteurized packaged fruit or vegetable juice must adhere to the standards and be labeled in accordance with NYCHC §81.04(e).
4. Provide the name, model number and specification sheet for each vending machine. Each food vending machine at a minimum is to have the name, address and telephone number of the person responsible for its operation posted to be readily visible to anyone operating the machine.
5. Provide the contact information of the permitted commissary or approved food source(s) for the vending machine.
6. Provide ANSI accredited agency certification that meets NSF-25 Standards. Such third Party Certifying Agencies may be found from the link: <https://www.ansi.org/Accreditation/product-certification/DirectoryListingAccredited?menuID=1&prgID=1>.

7. If however, the NSF-25 Standard for the vending machine is not available, the operator must request for a modification from §81.05 that requires an FSE permit to be issued subject to the establishment and its equipment being constructed, maintained and operated in compliance with the Code. Prior to an approval of a modification, the operator must enter into contract and obtain a letter from any ANSI accredited agency that meets NSF-25 standards certifying the scope of their evaluation and testing.
8. Vending machines that process unpackaged TCS foods must be NSF-25 certified when such foods are in direct contact with the surfaces of the machine.
9. Provide a hand wash sink equipped with hot and cold potable running water to be installed in food service areas(s) for use by food vending operation attendants and servicers
10. Provide cleaning and sanitization procedures for the machine. Specify where the equipment will be cleaned and sanitized in accordance with NYCHC §§81.03(ii) 81.27, and 81.29. For machines that dispense liquid foods, the operator must have clean-in-place mechanism that thoroughly cleans and sanitizes the equipment using acceptable methods of sanitizing to destroy pathogens on surfaces treated.
11. Each food vending operation must have adequate, conveniently located and properly installed toilet fixtures accessible to machine attendants and servicers. The operator may also request for a waiver (modification) as specified in the Health Code.
12. Food Protection Certificate holder is required to be on site for day-to-day operation to ensure safety of vended foods.
13. Read the New York State Sanitary Code Subpart 14-5 Vending of Food and Beverages to comply with current rules
<https://govt.westlaw.com/nycrr/Browse/Home/NewYork/NewYorkCodesRulesandRegulations?guid=le47c9c30b65511ddb903a4af59fec65a&transitionType=Default&contextData=%28sc.Default%29>
14. And also Article 81 of NYC Health Code, including §81.41 (Dispensing devices for food, Construction, Cleanliness, Refrigeration, Safety,) available at
<https://www1.nyc.gov/assets/doh/downloads/pdf/about/healthcode/health-code-article81.pdf>. The inspection procedure link is at:
<https://www1.nyc.gov/assets/doh/downloads/pdf/about/healthcode/health-code-chapter23.pdfA>
15. A potential permit holder may seek a modification from any of the rules, however, such request must outline specific actions that will be taken to maintain and provide for sanitary conditions throughout the vending operations, and be consistent with the general purpose of the NYC Health Code. The denial of a request for modification by the Commissioner is a final agency determination. All modification requests must be submitted and approved prior to the permit issuance and the operation of the vending machines. Modifications are to be submitted to:

Robert Edman, Assistant Commissioner
Bureau of Food Safety and Community Sanitation
125 Worth Street,
Room 1003, CN-59A
New York, N.Y. 10013-4006

