

SPECIAL PUBLIC MEETING: DISPOSITION SHEET

FRANCHISE AND CONCESSION REVIEW COMMITTEE

WEDNESDAY, OCTOBER 10, 2019 @ 2:30 P.M.

22 READE STREET, NEW YORK, NY

NEW YORK CITY DEPARTMENT OF SMALL BUSINESS SERVICES

No. 1: **IN THE MATTER** of the intent to seek Franchise and Concession Review Committee (“FCRC”) approval authorizing NYC & Company, Inc., 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, for SBS to enter into a non-exclusive, Sole Source License Agreement (“License Agreement”) with Greenlight, LLC. (“Greenlight”) for the non-exclusive use of city-owned trademarks on merchandise. The License Agreement will provide for a license term beginning on January 1, 2020 and shall continue through December 31, 2022 with an option for the City to renew the License Agreement, in its sole discretion, on substantially the same terms and conditions, for two (2) years. For each license year of the initial term, Greenlight shall pay (depending on the number of marks and types of marks used) royalties equal to seven percent (7%), four percent (4%) or twelve percent (12%) of Net Sales (as defined in the License Agreement). The License Agreement provides for a Guaranteed Minimum Royalty (as defined in the License Agreement) of thirty thousand dollars (\$30,000) to be paid on or before December 31, 2022.

RESULT: Resolution Adopted (6-0) (On behalf of the Borough Presidents, vote cast by Bronx Borough President).

NEW YORK CITY DEPARTMENT OF SMALL BUSINESS SERVICES

No. 2: **IN THE MATTER** of the intent to seek Franchise and Concession Review Committee (“FCRC”) approval authorizing NYC & Company, Inc., 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, for SBS to enter into a non-exclusive, Sole Source License Agreement (“License Agreement”) with Gennaro Jewelers, Inc. (“Gennaro”) for the non-exclusive use of city-owned trademarks on merchandise. The License Agreement will provide for a license term beginning on January 1, 2020 and terminating on December 31, 2022 with an option for the City to renew the License Agreement, in its sole discretion, on substantially the same terms and conditions, for two (2) years. For each license year of the initial term, Gennaro shall pay licensing fees equal to ten percent (10%) of Net Sales (as

defined in the License Agreement) with a Guaranteed Minimum Royalty (as defined in the License Agreement) of ten thousand five hundred dollars (\$10,500) to be paid on or before December 31, 2022.

RESULT: Resolution Adopted (6-0) (On behalf of the Borough Presidents, vote cast by Brooklyn Borough President).

NEW YORK CITY DEPARTMENT OF SMALL BUSINESS SERVICES

No. 3: **IN THE MATTER** of the intent to seek Franchise and Concession Review Committee (“FCRC”) approval authorizing NYC & Company, Inc., 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, for SBS to enter into a non-exclusive, Sole Source License Agreement (“License Agreement”) with New Era Cap Co, Inc. (“New Era”) for the non-exclusive use of city-owned trademarks on merchandise. The License Agreement will provide for a license term beginning on October 1, 2018 and shall continue through December 31, 2021 with an option for the City to renew the License Agreement, in its sole discretion, on substantially the same terms and conditions for two (2) years. For each license year of the initial term, New Era shall pay (depending on the number of marks and types of marks used) royalties equal to eleven percent (11%) of Net Sales when sold at wholesale, five and a half percent (5.5%) of Net Sales when sold in Consumer Channels, three percent (3%) of Net Sales when sold as Co-Branded at wholesale, and one and a half (1.5%) of Net Sales when sold as Co-Branded in Consumer Channels (all capitalized terms have the meanings as defined in the License Agreement). The License Agreement provides for a guaranteed minimum royalty of ten thousand dollars (\$10,000) covering the period from October 1, 2018 to December 31, 2021.

RESULT: Resolution Adopted (6-0) (On behalf of the Borough Presidents, vote cast by Staten Island Borough President).