



POLICE DEPARTMENT

CONTRACT ADMINISTRATION SECTION  
375 PEARL STREET, SUITE 15-207  
NEW YORK, NEW YORK 10038

MEMORANDUM

**TO:** Hon. Donovan Richards, Jr., Queens Boro President  
Eugene T. Kelty, Jr., Chair, Community Board 7 (Queens)

**FROM:** Jordan Glickstein, Senior Deputy Agency Chief Contracting Officer, NYPD

**SUBJECT:** Notice of Joint Public Hearing, October 10, 2023: Intent to amend the existing concession agreement between the New York City Police Department and Regent Catering Inc. for the provision of Snack Bar/ Cafeteria Services at the Police Academy.

**Date:** August 31, 2023

---

NOTICE OF A JOINT PUBLIC HEARING of the Franchise and Concession Review Committee and the New York City Police Department (NYPD) to be held on Tuesday, October 10, 2023 at 22 Reade Street, New York, NY – Spector Hall, Borough of Manhattan, commencing at 2:30 PM relative to:

AMENDMENT of the existing concession agreement between the New York City Police Department (NYPD) and Regent Catering Inc. to operate a Snack bar/ Cafeteria at the NYPD Police Academy in College Point (Queens), New York. This Amendment extends the term of the 2<sup>nd</sup> Renewal Agreement for this concession for two years. The period covered by the 2 Year Amendment/ Extension will start on December 8, 2023 and run through December 7, 2025.

Compensation to the City will be as follows: Vendor shall pay to the City concession fees consisting of 5% of gross receipts.

A draft copy of the amended concession agreement may be reviewed or obtained at no cost commencing on Monday, October 2, 2023 through Tuesday, October 10, 2023, between the hours of 9:30 a.m. and 5:00 p.m., excluding weekends and holidays at the New York City Police Department (NYPD), Contract Administration Section, located at 375 Pearl Street, Room 15-207 (15<sup>th</sup> floor), New York, New York 10007. Please contact Jordan Glickstein, Senior Deputy ACCO for the NYPD, at 718-610-8620 or at [jordan.glickstein@nypd.org](mailto:jordan.glickstein@nypd.org) to arrange for a review of the draft copy of the amended concession agreement during the period that it is available for viewing.

All written testimonies can be sent to the [FCRC@mocs.nyc.gov](mailto:FCRC@mocs.nyc.gov) inbox. For further information on accessibility or to make a request for accommodations, such as sign language interpretation services, please contact the Mayor's Office of Contract Services (MOCS) via e-mail at [DisabilityAffairs@mocs.nyc.gov](mailto:DisabilityAffairs@mocs.nyc.gov) or via phone at (212) 298-0734. Any person requiring reasonable accommodation for the public hearing should contact MOCS at least five (5) business days in advance of the hearing to ensure availability.

**CONCESSION AGREEMENT RECOMMENDATION FOR AWARD MEMORANDUM COVER SHEET**

*(Attach, in the following order, applicable CRFA Memo, Responsibility Determination Form, approved CPSR Cover Sheet and, if the selection procedure was not CSB, the CPSR Memo and CCPO Memo (if applicable) )*

<b>AGENCY:</b> New York City Police Department	<b>RECOMMENDED CONCESSIONAIRE</b> Name: <u>Regent Catering Inc.</u> Address: <u>154 Lasalle Drive, Yonkers, NY 10710</u> Telephone # <u>917-385-3856</u> <input checked="" type="checkbox"/> EIN <input type="checkbox"/> SSN # <u>47-2060132</u> Not-for-Profit Organization <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Certified by DSBS as M/WBE <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>CONCESSION TITLE/ DESCRIPTION:</b> Amendment to Extend Concession Agreement for Snack Bar/ Cafeteria Services at the New York City Police Department's Police Academy CONCESSION I.D.# RCT1 056 20158200619
<b># VOTES required for proposed action</b> = <u>4</u> <input type="checkbox"/> N/A		

**LOCATION OF CONCESSION SITE(S\*)** Address 130-20 28<sup>th</sup> Ave., College Point, Queens, NY 11354  N/A  
 Borough Queens C.B. 7 Block # 4327 Lot # 100  
 \*Attach additional sheet

**SELECTION PROCEDURE**  
 (\*CCPO approval of CRFA required)

Competitive Sealed Bids  
 Competitive Sealed Proposals\* ( FCRC approved Agency request to deviate from final recommendation of the Selection Committee on \_\_\_/\_\_\_/\_\_\_.)  
 Different Selection Procedure: \* ( Sole Source Agreement  Other Amendment to Extend Existing Concession Contract )  
 > FCRC approved different selection procedure on 07/13/23.  
 Negotiated Concession\*

<p align="center"><b>CONCESSION AGREEMENT TERM</b></p> Initial Term: <u>From 12/08/14 To 12/07/17</u> Renewal Option(s) Term: <u>From 12/08/2017 To 12/07/20</u> <u>From 12/08/20 To 12/07/23</u> Additional Amendment/ Extension: <u>2</u> Years (12/08/2023 – 12/07/2025)  Total Potential Term: <u>11</u> Years *  <input type="checkbox"/> * >20 years – FCRC unanimously approved term on ___/___/___	<p align="center"><b>ANNUAL REVENUE</b>                  (Check all that apply)                  (<input type="checkbox"/> Additional sheet (<input type="checkbox"/>s) attached)</p> <input type="checkbox"/> Annual Fee(s) \$ _____ <input checked="" type="checkbox"/> % Gross Receipts <u>5</u> %  <input type="checkbox"/> The Greater of Annual Minimum Fee(s of \$ _____ v. _____ % of Gross Receipts  <input type="checkbox"/> Other _____
--	---

**NOTIFICATION REQUIREMENTS**

**Subject concession was 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 completed its consultations with each affected CB/BP regarding the scope of the solicitation by / / , which was at least 30 days prior to its issuance.  
  
 The subject concession is a Significant Concession and the Agency included this concession in the Agency's Plan and completed consultations with each affected CB/BP pursuant to §1-10 of the Concession Rules.  
  
 The subject concession was determined not to be a Major Concession and the Agency sent notification of such determination to each affected CB/BP by \_\_\_/\_\_\_/\_\_\_, which was at least 40 days prior to issuance of the solicitation.

If NO, check the applicable box below:

The Agency certifies that each affected CB/BP received written notice by 05/23/23, which was at least 40 days in advance of the FCRC meeting on 07/13/23 at which the agency sought and received approval to use a different selection procedure.  
  
 The Agency certifies that each affected CB/BP received written notice on \_\_\_/\_\_\_/\_\_\_, at the time that a notice of intent to enter into negotiations was published for the subject concession, and provided a copy of such notification to the members of the Committee within five days on \_\_\_/\_\_\_/\_\_\_.  
  
 The Agency certifies that based on exigent circumstances the FCRC unanimously approved waiver of advance written notice to each affected CB/BP on \_\_\_/\_\_\_/\_\_\_

Law Department approved concession agreement on \_\_\_/\_\_\_/\_\_\_

Award is a major concession.

YES  NO

If YES, award was approved pursuant to Sections 197-c and 197-d of the NYC Charter as follows:

CPC approved on \_\_\_/\_\_\_/\_\_\_

City Council approved on \_\_\_/\_\_\_/\_\_\_ or  N/A

**AUTHORIZED AGENCY STAFF**

This is to certify that the information presented herein is accurate and that I find the proposed concessionaire to be responsible and approve of the award of the subject concession agreement.

If the concession was awarded by other than CSB or CSP, additionally check the applicable box below:

The concession was approved by the FCRC on 10/11/23.

The concession was not subject to the approval of the FCRC because it has a term of <30 days and is not subject to renewal.

Name Jordan Glickstein Title Senior Deputy ACCO

Signature \_\_\_\_\_ Date \_\_\_/\_\_\_/\_\_\_

**CERTIFICATE OF PROCEDURAL REQUISITES**

This is to certify that the agency has complied with the prescribed procedural requisites for award of the subject concession agreement.

Signature \_\_\_\_\_ Date \_\_\_/\_\_\_/\_\_\_

City Chief Procurement Officer

**RECOMMENDATION FOR AWARD OF CONCESSION AGREEMENT MEMORANDUM:**  
**CONCESSION AGREEMENT AWARDED BY OTHER THAN CSB OR CSP**

**SUMMARY OF PROPOSED CONCESSION USE (Attach Proposed Agreement)**

The proposed Amendment is an extension of the last Renewal Option of an Agreement for the Vendor to provide Snack bar/ Cafeteria services at the Police Academy. The Police Academy is the location where the majority of the training for new NYPD recruits takes place. In addition, other members of the Service are assigned to work at the Police Academy. There are not a significant number of stores or shops which could provide lunch within a relatively easy walk of the Police Academy site. Thus, the Snack Bar/ Cafeteria Services are essential to the functioning of the Police Academy.

See attached proposed Amendment Agreement to extend the last Renewal option as well as the Original Agreement.

***Instructions:*** Provide all information requested below; check all applicable boxes.

**A. SELECTION PROCEDURE**

Sole Source

Other *Describe:* The NYPD will be using a Different Procedure pursuant to Section 1-16 of the Concession Rules to extend the existing concession contract for the provision of a Snack bar/ Cafeteria services at the Police Academy. The extension will be for 2 years. The NYPD needs to keep Snack bar/ Cafeteria services going at the Police Academy in order to allow for sufficient time to conduct a solicitation for a new Concessionaire for the site. The Police Academy is the location where the majority of the training for new NYPD recruits takes place. In addition, other members of the Service are assigned to work at the Police Academy. There are not a significant number of stores or shops which could provide lunch within a relatively easy walk of the Police Academy site. Thus, it is critical to keep the current Snack bar/ Cafeteria services at the Police Academy in place until a new Concessionaire can be selected as a result of a new solicitation.

**B. NEGOTIATIONS**

***Instructions:*** Describe the nature of negotiations conducted, including negotiations with respect to the amount of revenue offered.

This is a two year extension of the last Renewal Option to the existing concession contract for the provision of a Snack bar/ Cafeteria services at the Police Academy. Negotiations consisted of asking the current vendor to (1) agree to an extension of the existing Concession Agreement under the same terms and conditions as the original agreement as renewed, and (2) to agree to a provision in the extension which would allow the NYPD to terminate the agreement at any point with at least 60 days notice. The Vendor agreed to both of these requests. The Vendor will continue to pay the NYPD 5% of the Gross Proceeds of the Concession Site at the Police Academy. This is the same percentage as provided for in the Original Agreement.

**C. BASIS FOR AWARD** (If sole source award, attach the offer; if other than a sole source award, attach the three highest rated offers, if applicable.)

**The agency determined that award of the concession is in the best interest of the City because:**

The NYPD will be using a Different Procedure pursuant to Section 1-16 of the Concession Rules to extend the existing concession contract for the provision of a Snack bar/ Cafeteria services at the Police Academy. The extension will be for 2 years. The NYPD needs to keep Snack bar/ Cafeteria services going at the Police Academy in order to allow for sufficient time to conduct a solicitation for a new Concessionaire for the site. The Police Academy is the location where the majority of the training for new NYPD recruits takes place. In addition, other members of the Service are assigned to work at the Police Academy. There are not a significant number of stores or shops which could provide lunch within a relatively easy walk of the Police Academy site. Thus, it is critical to keep the current Snack bar/ Cafeteria services at the Police Academy in place until a new Concessionaire can be selected as a result of a new solicitation.

**D. PUBLIC HEARING**  **N/A – Subject award NOT a significant concession**

**1. Publication & Distribution of Public Hearing Notice**

Subject concession is a **Citywide** concession and Agency hereby certifies that a notice containing a summary of the terms and conditions of the proposed concession and stating the time, date and location of the public hearing was published once in the City Record on \_\_\_/\_\_\_/\_\_\_, which was not less than 15 days prior to the hearing date or a shorter period approved by the CCPO and was given to each affected CB-BP and the Committee Members on \_\_\_/\_\_\_/\_\_\_, which was not less than 15 days prior to the hearing date. Agency also published a public hearing notice twice in the two newspapers indicated below. A copy of each such notice was sent to each affected CB-BP by \_\_\_/\_\_\_/\_\_\_.

- \_\_\_\_\_, a NYC citywide newspaper on \_\_\_/\_\_\_/\_\_\_ and \_\_\_/\_\_\_/\_\_\_
- \_\_\_\_\_, a NYC citywide newspaper on \_\_\_/\_\_\_/\_\_\_ and \_\_\_/\_\_\_/\_\_\_

**OR**

Subject concession is **NOT a Citywide** concession and Agency hereby certifies that a notice containing a summary of the terms and conditions of the proposed concession and stating the time, date and location of the public hearing was published once in the City Record on 09/08/23, which was not less than 15 days prior to the hearing date or a shorter period approved by the CCPO and was given to each affected CB-BP on 08/31/23 and the Committee Members on 09/15/23, which was not less than 15 days prior to the hearing date. Agency additionally published a public hearing notice and summary of the terms and conditions of the proposed agreement on the NYPD Site for Procurement related Notices by 08/31/23. A copy of each such notice containing a summary of the terms and conditions of the proposed agreement was sent to each affected CB-BP by 08/31/23.

**2. Public Hearing Date, Exception to Public Hearing Requirement**

A Public Hearing was conducted on 10/10/23.

**OR**

The Agency certifies that the total annual revenue to the City from the subject concession does not exceed one million dollars and a Public Hearing was not conducted because, pursuant to §1-13(q)(2) of the Concession Rules, the Agency gave notice of the hearing and did not receive any written requests to speak at such hearing or requests from the Committee that the Agency appear at the hearing. Furthermore, the Agency certifies that it published a notice in the City Record canceling such hearing on \_\_\_/\_\_\_/\_\_\_ and sent a copy of that notice to all Committee Members.



# 1<sup>st</sup> AMENDMENT TO 2<sup>nd</sup> RENEWAL AGREEMENT

## BETWEEN THE NEW YORK CITY POLICE DEPARTMENT AND REGENT CATERING INC. FOR THE PROVISION OF SNACK BAR/CAFETERIA SERVICES AT THE NYPD POLICE ACADEMY

This 1<sup>st</sup> Amendment to the 2<sup>nd</sup> Renewal Agreement (“Renewal Agreement”), dated as of \_\_\_\_\_, 20\_\_ by and between The City of New York (“the City”), acting by and through its **Police Department** (“NYPD” or “the Department”), having its principal office at One Police Plaza, New York, New York 10038, and **Regent Catering Inc.**, having offices at 154 Lasalle Drive, Yonkers, New York 10710 (hereinafter referred to as the “Vendor” or “Regent”).

**Whereas**, by Agreement Number **RCT1 056 20158200619** entered into between the City and Regent, as of August 14, 2014, the Contractor agreed to provide Snack Bar/Cafeteria Services for the NYPD’s Police Academy, located in College Point, Queens, New York (the “Services”), to the Department, as more fully described in the Original Agreement; and

**Whereas**, the term of the Original Agreement was for three years, from December 8, 2014 through December 7, 2017;

**Whereas**, the Original Agreement contained two, three-year Renewal Options;

**Whereas**, the Department exercised the first three-year Renewal Option to continue the Services from December 8, 2017 through December 7, 2020;

**Whereas**, the Department subsequently exercised the second three-year Renewal Option to continue the Services from December 8, 2020 through December 7, 2023;

**Whereas**, the Department now needs to extend the Second Renewal in order to continue to provide for the continuation of Services.

**NOW, THEREFORE**, in consideration of the promises hereinafter contained, the parties hereto agree that the term of the 2<sup>nd</sup> Renewal shall be extended by Amendment pursuant to Section 1-16 of the NYC Concession Rules for two additional years, which will extend the end date of the 2<sup>nd</sup> Renewal from December 7, 2023 to December 7, 2025.

During this two-year extension period, the Vendor shall continue to provide Snack Bar/ Cafeteria Services for the NYPD’s Police Academy. All terms and conditions of the Original Agreement, as carried over to the Renewal Agreements, shall remain in full force and effect during this two year extension period. These terms and conditions include the provision that 5% of the Gross Proceeds of the Concession Site will continue to go to the Department during this extension period. The prices charged by the Vendor for the Services will continue to be the same as under the 2<sup>nd</sup>

Renewal Agreement. Any changes to these prices would have to be agreed to by the NYPD.

At any point during this two year extension period (December 7, 2023 through December 7, 2025), the NYPD reserves the right to terminate this Agreement with 60 days' notice to the Vendor. Such notice can be given to the Vendor either by e-mail or via mailing the notice to the Vendor.

[NO FURTHER TEXT ON THIS PAGE]



IN WITNESS WHEREOF, the parties hereto execute this agreement on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Sworn to me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

CITY OF NEW YORK  
POLICE DEPARTMENT

By: \_\_\_\_\_  
Nicholas Mendoza  
Assistant Commissioner,  
Acquisitions Management  
Division

\_\_\_\_\_  
NOTARY PUBLIC

Sworn to me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

REGENT CATERING, INC.

By: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_\_  
(Print Name and Title)

APPROVED AS TO FORM  
CERTIFIED AS TO LEGAL AUTHORITY

BY: \_\_\_\_\_ MB  
Acting Corporation Counsel—City of New York

DATE: \_\_\_\_\_

**CITY OF NEW YORK**

**FRANCHISE AND CONCESSION REVIEW COMMITTEE**

**(Cal. No. 1)**

**RESOLVED**, that the Franchise and Concession Review Committee (“FCRC”) authorizes the New York City Police Department (“NYPD”) to utilize a different procedure, pursuant to Section 1-16 of the Concession Rules of the City of New York, to enter into an amendment to the existing Concession Agreement between NYPD and Regent Catering Inc. (“Vendor”) for the provision of Snack Bar/ Cafeteria services at the NYPD’s Police Academy. The amendment extends the 2<sup>nd</sup> Renewal Agreement for this Concession for two years. The period covered by the 2 Year Amendment/ Extension will start on December 8, 2023 and run through December 7, 2025.

Compensation to the City will be as follows: Vendor shall pay to the City concession fees consisting of 5% of gross receipts.

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

**October 11, 2023**

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

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



**David Cerron**  
Assistant Commissioner  
Business Development & Special  
Events

T 212.360.3457    E david.cerron@parks.nyc.gov

**City of New York  
Parks & Recreation**

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

## MEMORANDUM

**TO:** Hon. Mark Levine, Manhattan Borough President  
Tammy Meltzer, Chairperson, Manhattan Community Board #1

**FROM:** Andrew Coppola, Senior Project Manager

**SUBJECT:** Notice of Intent to Seek Franchise and Concession Review Committee (“FCRC”) Approval to Utilize a Different Procedure to Negotiate a Sole Source License Agreement with the selected offeror Statue Cruises, LLC the operation of a commercial ferry service to the Statue of Liberty National Monument and Ellis Island from The Battery, Manhattan.

**DATE:** September 1, 2023

---

Pursuant to Section 1-16 of the Concession Rules of the City of New York, this is to notify the Manhattan Borough President and Manhattan Community Board 1 that the New York City Department of Parks and Recreation (“Parks”) is seeking Franchise and Concession Review Committee (“FCRC”) approval to utilize a different procedure to negotiate a Sole Source License Agreement with the selected offeror Statue Cruises, LLC for the operation of a commercial ferry service to the Statue of Liberty National Monument and Ellis Island from The Battery, Manhattan.

Parks is seeking FCRC approval to negotiate a Sole Source License Agreement due to time constraints and to avoid any gaps in service to the public.

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 Andrew Coppola, Senior Project Manager, by phone at (212) 360-3454 or via email at [andrew.coppola@parks.nyc.gov](mailto:andrew.coppola@parks.nyc.gov).

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)

<b>AGENCY:</b> New York City Department of Parks & Recreation ("Parks")	<b>CONCESSION TITLE/DESCRIPTION:</b> <u>The operation and maintenance of a commercial ferry service to the Statue of Liberty National Monument and Ellis Island from The Battery, Manhattan</u>
<b># VOTES required for proposed action =</b> <u>4</u> <input type="checkbox"/> N/A	<b>CONCESSION IDENTIFICATION #</b> <u>M5-E-M</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 Statue Cruises, LLC  EIN  SSN # 20-8877253  
 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 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. % Gross Receipts</p> <p><input checked="" type="checkbox"/> Other formula: <u>To be negotiated</u></p>
LOCATION OF CONCESSION SITE(S)* <input type="checkbox"/> N/A Address: <u>Landing Slips, Battery Park</u> Borough: <u>Manhattan C.B.: 1</u> Block #: <u>3</u> Lot #: <u>1</u> *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 Chief of Concessions

Signature 

Date 9 16 2023

**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 \_\_\_\_\_  
City Chief Procurement Officer

Date  / /

# 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 of the City of New York ("different procedure") 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.**

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 the selected offeror Statue Cruises, LLC to operate and maintain a commercial ferry service to the Statue of Liberty and Ellis Island from The Battery, Manhattan.

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

The National Park Service ("NPS") is the only entity with power to grant access to the Statue of Liberty and Ellis Island. Parks has determined that a competitive solicitation process for this concession is not warranted and is seeking approval to use a different procedure to negotiate a Sole Source License Agreement with the selected offeror Statue Cruises, LLC, with whom NPS will enter into an agreement.

**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 the selected offeror Statue Cruises, LLC, which will go before the FCRC on October 11, 2023 ("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 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**

**CITY OF NEW YORK**

**FRANCHISE AND CONCESSION REVIEW COMMITTEE**

**(Cal. No.2)**

**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 the selected offeror Statue Cruises, LLC for the operation and maintenance of a commercial ferry service for the purpose of embarking and discharging passengers on a regular schedule between The Battery, Liberty Island, and Ellis Island, and for the purpose of embarking and discharging passengers of vessels on sightseeing cruises and other ferry operations, which may include but are not limited to day and night charters of vessels, owned, operated or chartered by the selected offeror Statue Cruises, LLC at landing slips and adjacent walkways located in The Battery, Manhattan.

**BE IT FURTHER RESOLVED**, that Parks shall submit the Agreement it proposes to enter into with the selected offeror Statue Cruises, LLC 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**

**October 11, 2023**

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

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