

New York City Department of Transportation  
Office of Cityscape & Franchises

# Request for Proposals



## FOR OPERATION, MANAGEMENT AND MAINTENANCE OF VALET BICYCLE PARKING WITH BICYCLE-RELATED RETAIL AND SERVICES AT THREE (3) LOCATIONS IN THE BOROUGH OF MANHATTAN, BROOKLYN AND QUEENS

**Solicitation Number:** 84118MBAD219  
**Issue Date:** November 21<sup>st</sup>, 2017  
**Due Date:** January 16<sup>th</sup>, 2018  
**Department Contact:** Brandon Budelman  
(212) 839-9625

[www.nyc.gov/dot](http://www.nyc.gov/dot)



**New York City**  
Bill De Blasio, Mayor



**Department of Transportation**  
Polly Trottenberg, Commissioner

## REQUEST FOR PROPOSALS (RFP)

The City of New York Department of Transportation (“DOT”) has issued this RFP for operation, management, and maintenance of valet bicycle parking with bicycle-related retail and services at three (3) locations, (“Licensed Premises”) in boroughs of Manhattan, Brooklyn and Queens (see Exhibit A). DOT is seeking to select a proposer or proposers (each a “Concessionaire”) with a strong background in bicycle-related retail or services.

## TERM

Each concession will be operated pursuant to a license agreement issued by DOT (a “License”) with no leasehold or other proprietary rights offered. one (1) season term (April 1st to November 15th) with two (2) one-season (April 1st to November 15th) renewal options., exercisable at DOT’s sole discretion. No longer term will be considered. This concession will be operated pursuant to a license issued by DOT; no leasehold or other proprietary right is offered.

## PROJECT MANAGER

The Project Manager for this concession is Brandon Budelman. All RFP questions and/or inquiries should be directed to Brandon Budelman, Project Manager at:

**Phone: (212) 839-9625**

**Email: [concessions@dot.nyc.gov](mailto:concessions@dot.nyc.gov)**

**Fax: (212) 839-9895**



**If you have a hearing impairment, please call the following toll-free number and leave a message on the Telecommunication Device for the Deaf (TDD).  
The TDD number is (212) 504-4115.**

## RFP TIMETABLE

The following schedule has been established for this RFP:

|                                      |   |
|--------------------------------------|---|
| <b>RFP Release Date:</b>             | Tuesday, November 21 <sup>st</sup> , 2017         |
| <b>Recommended Proposer Meeting:</b> | Tuesday, December 5 <sup>th</sup> , 2017 at 11 am |
| <b>Proposals Due:</b>                | Tuesday, January 16 <sup>th</sup> , 2018 by 2 pm  |
| <b>Interviews (if any):</b>          | Week of January 29 <sup>th</sup> , 2018           |



**If you have a physical disability and cannot deliver your proposal to 55 Water Street, please contact the Project Manager(s) at least 48 hours prior to the deadline and alternate arrangements can be made.**

## RECOMMENDED PROPOSER MEETING AND SITE TOUR

DOT will be conducting a proposer meeting on Tuesday, December 5<sup>th</sup>, 2017 at 55 Water Street at 11 am. This meeting will be in the Bid Room, on the Ground Floor at the rear of the building next to the Vietnam Veterans Plaza. If you are considering responding to this RFP, DOT strongly encourages potential proposers to make every effort to attend this meeting and site tour.

## **ADDITIONAL MEETINGS**

The Selection Committee may decide to meet with certain proposers on the week of January 25<sup>th</sup>, 2018. This is the only day meetings will be held. Therefore, it is recommended that proposers keep the week of January 25<sup>th</sup>, 2018 available to meet with the Selection Committee.

If there are circumstances beyond a proposer's or DOT's control and the meeting cannot take place on the week of January 25<sup>th</sup>, 2018 DOT will schedule a meeting between the proposer and the selection committee on an alternate date.

## **A. PROJECT BACKGROUND**

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### **1. HISTORY AND EXISTING CONDITIONS**

DOT is committed to providing infrastructure to make cycling a more convenient and attractive option for the City's residents and commuters. A major component of this effort is to provide cost effective, secure, weather-protected facilities where cyclists can park their bikes. Across the world, cities and private operators are building bike stations that provide secure bike parking, lockers, and other amenities to cyclists.

Currently, DOT is looking to pilot a test version of this bike station concept in New York City ("the City") to create seasonal, secure, valet bike parking facilities at three (3) Locations in the boroughs of Manhattan, Brooklyn and Queens:

1. University Place, Manhattan
2. Times Square Plaza, Manhattan
3. Myrtle-Wyckoff Plaza, Brooklyn and Queens

Each of the three (3) locations is near transit hubs and/or major destinations as further described in Exhibit A. This concession will provide a chance for the City and our partners to gain experience and to gauge cyclist demand for cost effective, secure valet bike parking. It may also lead to the establishment of more permanent secure, high-capacity bicycle parking facilities in the City for the future.

At each site, DOT will provide a Bike Storage Structure (see Exhibit B) which is specifically designed and constructed to store bikes. Additional space adjoining the Bike Storage Structure is provided for the proposer to operate a bike-related retail and services concession. Each Bike Storage Structure will be capable of storing 29 bikes.

## **B. PROJECT COMPONENTS**

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### **1. Overview**

DOT is seeking proposals from potential concessionaires for the operation, management and maintenance of a valet bicycle parking with bicycle-related retail and services at three (3) locations as part of a pilot program. The three (3) locations are (1) University Place, Manhattan, (2) Times Square Plaza, Manhattan, and Myrtle-Wyckoff Plaza, Brooklyn and Queens, as further described in Exhibit A. At each of the Licensed Premises, DOT will provide a custom-designed Bike Storage Structure (see Exhibit B) which is designed for the storage of bicycles and has a capacity of 29 bicycles. Each Licensed Premises will have space for the proposer's use to provide additional bicycle-related retail and services, to support the valet bike parking which should be provided at a nominal cost. Proposers may submit separate proposals for any number of locations, including one (1) location or all three (3) locations. Proposers must specify which location(s) they are proposing on in their proposals (see Exhibit A). The selection committee will evaluate the proposals for each location independently.

## **2. Operational Plan**

Proposers should submit a detailed operational plan for the Licensed Premises. This plan should include, but not be limited to, intended use of the Licensed Premises, hours of operation, services to be provided, any plans to install energy efficient appliances that have the Energy Star seal of approval and/or water conserving appliances, and any plans to use "Green Seal" or other environmentally friendly products or devices, equipment storage plans, proposed signage, rubbish removal, cleaning schedules, staffing plans, safety and security plans, merchandise to be sold, any plans to enhance the Licensed Premises, programming plans, mechanisms to measure customer satisfaction, and a detailed list of all proposed fees and prices. All plans, schedules, services, merchandise, prices and fees, and hours of operation are subject to DOT's prior, written approval.

In order to promote the use of the secure valet bike parking, DOT requests that the fee structure for parking bicycles should be nominal and as low as possible and that revenue should be primarily generated from the retail and services component of the concession. All fees and prices must be approved by DOT in writing in advance. The concessionaire will be allowed, and even encouraged, to offer seasonal and monthly rates, as well as other special and promotional rates as it sees fit.

## **3. Bike Storage Structures**

DOT will provide the Concessionaire with a custom-designed Bike Storage Structure that has a footprint of 25' x 12'. The doors to the facility open on one of the 12' sides, and the facility can be securely locked at night. It will be equipped with 29 vertical bike racks, and interior and exterior lighting powered by a solar panel.

DOT will provide the Concessionaire with the design for a wrap on the exterior of the Bike Storage Structure. Subject to DOT's prior written approval, the wrap design will include space for the concessionaire to add its own branding, as well as branding for potential third-party sponsorship that may be independently solicited by DOT. The concessionaire will be required to install the approved wrap on the exterior of the Bike Storage Structure.

## **4. Bicycle-Related Retail and Services**

The Concessionaire is encouraged to provide bicycle-related retail and services as a way to generate revenue for the secure valet bike parking. The Bike Storage Structure will have a small, covered area measuring approximately 5' x 12' for use as a retail space. The Concessionaire will be required to furnish any items needed for retail and services. All prices, bicycle-related retail and services to be provided on the Licensed Premises are subject to DOT's approval.

## **Hours of Operation**

All hours of operation are subject to DOT's prior written approval. At minimum, the Concessionaire will be required to operate the facility from 7 a.m. until 7 p.m., Monday through Friday. At its sole discretion, but based upon written request from Concessionaire, DOT may allow changes to Concessionaire's approved operating hours/schedule. If the request is granted by the Commissioner, the Concessionaire will continue to be responsible for all other obligations under the License Agreement, including the payment of all license fees.

## **5. Staff**

The Concessionaire will be required to have a sufficient number of staff available at the Licensed Premises during regular operating hours to ensure proper operation of the concession. DOT reserves the right to require that all staff wear uniforms that have been approved in writing by DOT.

## **6. Storage**

At each of the Licensed Premises, DOT will provide a custom-designed Bike Storage Structure, see Exhibit B, which is designed for the storage of bicycles and has a capacity of 29 bicycles. DOT makes no representations that there is adequate storage space, beyond the Bike Storage Structure provided, at the Licensed Premises. The Concessionaire shall be responsible for, at their sole cost and expense, obtaining any additional storage space required for the operation of the Licensed Premises. Unless a Concessionaire is specifically authorized in writing to use a DOT building or facility, no Concessionaire shall store any equipment or supplies on DOT property. No item shall be placed upon any public space, including the ground adjacent to the Licensed Premises without DOT's prior written approval. Each Concessionaire will be required to secure all outdoor equipment on a nightly basis.

## **7. Maintenance**

The Concessionaire will be required, at its sole cost and expense (or through arrangements with other parties), to operate, manage and maintain the Licensed Premises in good and safe condition and in accordance with industry standards. This includes, but is not limited to, the maintenance and repair of the entire Licensed Premises, all interior and exterior structures, utility systems and connections, equipment, lighting, fencing and gates, sidewalks and walkways, paved areas, curbs, and fixtures. In addition, all signs, structures, furniture and pavement on the Licensed Premises must be kept in good condition and free of graffiti. The Concessionaire will be required to make all necessary repairs in relation to the maintenance of the Licensed Premises. The erecting of any ancillary structures on the Licensed Premises shall be subject to DOT's prior written approval.

## **8. Rubbish Removal and Recycling**

The Concessionaire will be responsible for, at its sole cost and expense, clean-up and removal of all snow, waste, garbage, refuse, rubbish and litter from each Licensed Premises and the area within fifty (50) feet of the Licensed Premises. The Licensed Premises must have garbage receptacles present at all times. The Concessionaire will be required to provide adequate and easily accessible waste and recycling receptacles, as approved by DOT, and have these receptacles emptied on a daily basis and removed by a private carter. The location and placement of all waste and recycling receptacles is subject to DOT's prior written approval. The Concessionaire will be required to collect waste oil and dispose of it according to all applicable Federal, State and City rules and regulations, as well as regular cleaning of waste oil receptacles. The Concessionaire will be required to comply with all City, State, and Federal regulations regarding recycling. In addition, the Concessionaire will be required to demonstrate to DOT's satisfaction, through a detailed maintenance plan, that the Licensed Premises will be maintained in excellent condition throughout the license term.

## **9. Signage and Advertising**

All signage at the Licensed Premises, including signage which includes Licensee's name, trade name(s) and/or logos, is subject to DOT's prior written approval. An item list and price list, approved by DOT, must be displayed at all times and for **all** items that are sold at the Licensed Premises the price list should include a list of available services and the all items sold at the Licensed Premises must have their prices clearly marked. Concessionaire(s) will be prohibited from displaying, placing or permitting the display or placement of advertisements at the Licensed Premises without the prior written approval of DOT. The display or placement of tobacco or electronic cigarette advertising shall not be permitted. The display or placement of advertising of alcoholic beverages shall not be permitted. The following standards will apply to all allowed advertising: Any type of advertising which is false or misleading, which promotes unlawful or illegal goods, services or activities, or which is otherwise unlawful, including but not limited to advertising that constitutes the public display of offensive sexual material in violation of Penal Law Section 245.11, shall be prohibited. Advertising of product brands is prohibited without DOT's prior written approval. Any prohibited material displayed or placed shall be immediately removed by the Concessionaire(s) upon notice from DOT at the Concessionaire(s) sole cost and expense.

The placement, design and contents of all directional signage is subject to DOT's prior written approval and should be in place by the date the facility opens to the public.

## **10. Internal Controls**

Throughout the License term, the Concessionaire will be required to maintain a revenue control system to ensure the accurate and complete recording of all revenues, in a form and manner acceptable to the City. This revenue control system must maintain detailed sales information from each sales transaction. Specifically, sales information must be recorded electronically, via a point-of-sale system, and must include, but is not limited to, separate daily revenue receipts for bicycle parking, retail sales, service charges, including details on each sales transaction, the item(s) sold, time, date of sale and price of the item sold. Each Concessionaire must also establish a dedicated bank account for all deposits related to this concession's revenue. All accounting and internal control related records shall be maintained for a minimum of ten (10) years from the date of creation of the record.

## **11. Data Collection**

Throughout the License term, the Concessionaire(s) will be required ensure the accurate and complete collection of certain data in a form and manner acceptable to the City. The Concessionaire(s) shall be required to report data points to DOT on a monthly basis, including but not limited to the following, which are subject to change by the DOT: (1) the number of bicycles parked each day at the Bicycle Storage Structure; (2) the average number of hours bicycles remain parked at the Bicycle Storage Structure; and (3) the number of unique bicycle parking users.

The Concessionaire will be required to help facilitate DOT staff who will conduct on-site surveys of customers approximately twice during the initial operating season. In addition, at the end of each operation season, the Concessionaire will be required to meet with designated DOT staff to discuss the concession.

## **12. Naming of the Concession**

Proposers should be aware that DOT may require that the City own the portion of any new name selected by the successful proposer for the Licensed Premise(s) that indicates DOT property or a preexisting facility name. The City will not own any portion of a new name that consists of the name, portrait or signature of a living or deceased individual or a restaurant identifier that is not otherwise associated with DOT's property. DOT reserves the right to approve of any name selected by each Concessionaire for the Licensed Premise(s).

## **13. Utilities**

DOT makes no representations regarding the adequacy of utilities currently in place at the Licensed Premises. The Concessionaire will be required to connect to and/or upgrade any existing utility service or create a new utility system, and obtain the appropriate permits and approvals. The Concessionaire will be required to pay for any and all utility costs connected with the operation of this concession during the License term. These utility costs include, but are not limited to, paying all water and sewer charges that the New York City Department of Environmental Protection ("DEP") assesses for water usage.

## **14. Drought & Water Conservation Issues**

The Concessionaire will be required to adhere to all DEP directives and restrictions regarding drought and water conservation issues during the License term.

## **15. Environmental Considerations**

As part of the New York City's efforts to provide green and sustainable infrastructure, DOT is deeply committed to respecting the environment. Therefore, all proposed operational plans should include a detailed description of environmentally friendly practices planned for the Licensed Premises. Practices may include, but are not limited to, the installation or use of Energy Star compliant appliances, the use of energy efficient, non-polluting, low noise generators, the employment of energy efficient and water conservation measures, the use of low toxicity chemicals, preservation of natural areas, and the use of environmentally friendly products.

DOT views favorably the installation of Energy Star approved appliances and equipment, such as vending machines and commercial refrigerators, at the Licensed Premises. Proposers should state whether they intend to install products that have the Energy Star seal of approval. Energy Star products and environmentally friendly practices can be found at: <http://www.energystar.gov>.

DOT also views favorably proposals that include plans to use "Green Seal" eco-friendly products such as soaps, cleaners, light bulbs, paper towels, toilet paper and paint. A list of "Green Seal" certified products can be found at <http://www.greenseal.org/Home.aspx> and a list of environmentally-friendly products/materials is also available at: <http://www1.nyc.gov/site/mocs/resources/environmental-preferable-purchasing.page>. Proposers should state whether they intend to utilize or install "Green Seal" or other environmentally friendly products, devices, or methods for cleaning and operational purposes. Proposers should also state in their proposals whether they intend to utilize or install energy-efficient compact fluorescent light bulbs (CFLs).

## **16. Special Events**

Subject to prior written approval from DOT, the concessionaire may conduct special events or programs at the Licensed Premises. The concessionaire shall submit to DOT for approval all plans for any events or programs at the Licensed Premises, and in no event shall the Licensed Premises be closed to conduct private activities during public hours of use except when such activities are specifically approved or sponsored by DOT and such a closure has been announced to the public at least two weeks in advance of such activities or events. Concessionaire must document each Special Event via signed sequentially pre-numbered contracts that capture event information, including the time and date of the event, the number of attendees and required payment. All revenue generated through such special events must be reported to DOT as Gross Receipts.

DOT, acting on behalf of the City of New York, reserves the right to host a number of annual events at the Licensed Premises, including benefits and other non-profit or public events. The dates of such events shall be mutually agreed upon by both parties and shall be reserved in writing not less than one month in advance.

## **17. Security**

Pursuant to a plan approved in writing by DOT, the Concessionaire, at its sole cost and expense, shall be responsible for all security at the Licensed Premises during the license term and shall be subject to all security requirements and measures implemented within the Licensed Premises. Concessionaire will be required to secure the Licensed Premises and any other equipment every evening and anytime the concession is closed.

## **18. Safety**

Since safety is of utmost concern to DOT, proposers with prior experience in operating this type of facility or similar facilities should submit their personal and/or company safety record. Each proposal should include a detailed outline of maintenance schedules and safety precautions required for the operation of the Licensed Premises as well as any applicable staff qualifications and certifications. Proposers should also provide descriptions of the locations and types of facilities they have operated, including a list of references. The Concessionaire will be required to comply with all national safety guidelines and Federal, State and City laws, rules and regulations related to the operation, management and maintenance of the Licensed Premises.

## **19. Community Relations**

DOT will view favorably proposals that show a commitment to cooperate with and support administrators, users of the Licensed Premises, and the surrounding community. DOT will view favorably proposals that demonstrate how the concessionaire will work with DOT staff to address maintenance issues at the location surrounding the Licensed Premises.

## **20. Americans with Disabilities Act ("ADA") Compliance**

The Concessionaire shall be required to comply with the ADA in the performance of the license agreement, as applicable. The Concessionaire shall comply with all City, State, and Federal requirements to provide safe and



accessible recreational opportunities for everyone, including persons with disabilities. The Concessionaire is encouraged to exceed accessibility requirements whenever possible, and not simply provide the minimum level required.

## **21. Customer Service**

DOT expects the Concessionaire to create and maintain a high-quality amenity for the public. DOT encourages proposers to implement customer service mechanisms that will enhance and maintain the satisfaction of patrons. These mechanisms should be outlined in each proposal. Such mechanisms might include customer evaluations or survey forms. Further, DOT would like proposers to explain how they would improve the quality of services offered if the above mechanisms indicate a need to do so.

## **22. Identification & Address**

The prospective Concessionaire will be required to present government issued identification (such as a driver's license or a passport) and proof of address (such as a utility bill) in order to execute the License. In addition, the Concessionaire will be expected to provide DOT with at least two (2) direct telephone numbers for contact purposes throughout the Term. Concessionaire(s) shall immediately notify the DOT's Office of Streetscape & Franchises, in writing, of any changes to either the provided address or telephone numbers.

## **23. Inspections & Liquidated Damages**

Inspectors from DOT will visit the Licensed Premises unannounced to inspect operations and ensure proper maintenance of the Licensed Premises. Based on their inspections, should the Concessionaire fail to provide the cleaning, maintenance, and operational services required by his or her License, DOT shall notify the Concessionaire in writing, and the Concessionaire shall be required to correct such shortcomings within of the time frame set forth in such notice. If the Concessionaire fails to cure the violation within the time frame set forth in the notice, DOT may, at its sole option, in addition to any other remedies available to it, require a Concessionaire to pay to DOT liquidated damages of five hundred (\$500.00) dollars per day from the date of the notice, with respect to each violation of the License, until the shortcomings have been corrected. Liquidated damages, if not paid promptly, may be deducted from the Concessionaire's security deposit.

## **24. Procedure for Appeals of Assessments To Concession License Violations**

If an assessment is received for one of the above violations, there is a process by which the assessments may be appealed if the concessionaire feels that the assessment has been assessed in error. The procedure is outlined below:

### **a. Filing an Appeal**

- i. If the Concessionaire wishes to appeal the assessment, a notice of appeal must be delivered to DOT within ten (10) days along with a statement of reasons why he or she believes the assessment was erroneous. The statement of reasons must be notarized. Any evidence supporting the Concessionaire's appeal (such as photographs, documents, witness statements, etc) should also be included.
- ii. If no appeal is received within ten (10) days of the date the assessment is mailed, the assessment shall be considered final and charged to the Concessionaire's account.

### **b. Adjudication of Appeal**

- i. The appeal shall be sent to the Director of Operations Management & Planning, whose office is located at 55 Water Street, New York, NY 10041. The Commissioner has designated the Director of Operations Management & Planning to decide on the merits of these appeals. The decision of the Director of Operations Management & Planning



shall constitute the final decision of DOT.

- ii. The Director of Operations Management & Planning is authorized to investigate the merits of the appeal, but is not required to hold a hearing or to speak to the Concessionaire in person.

## **25. Access to Licensed Premises**

The Concessionaire will be required to provide DOT with full and unfettered access to the Licensed Premises to ensure DOT's full satisfaction with each Concessionaire's compliance with all the terms of the License.

DOT, acting on behalf of the City of New York, reserves the right to host a number of annual events in the plazas, incorporating the Licensed Premises, including benefits and other non-profit or public events.

## **26. No Exclusive Vending Rights**

Proposers should note that the License will not grant the Concessionaire exclusive rights to sell in the facility in which the Licensed Premises is located. Moreover, DOT may grant other permits to vendors to sell the same or similar items authorized under this License within the same facility in which the Licensed Premises is located. DOT does not guarantee that illegal vendors, persons unauthorized by DOT or disabled veteran vendors will not compete with the successful proposer or operate near the Licensed Premises. DOT encourages Concessionaires to report illegal vendors by calling 311.

## **27. Parking**

There are no motor vehicle parking spaces available at the Licensed Premises for facility staff and patrons. Monthly permit parking or daily metered parking may be available nearby.

## **28. Merchandise**

The Concessionaire may also sell merchandise; however, all prices and merchandise to be sold are subject to DOT's approval. Proposers should be aware that the City is the trademark owner of various marks and has licensed the use of those trademarks for use on certain designated merchandise. If any Concessionaire wants to sell merchandise that uses the City's trademarks, the Concessionaire will be required to purchase merchandise from authorized licensees of the City of New York. DOT will not permit the sale of merchandise promoting musicians, entertainers, sports figures, cartoon characters, or commercial products or non-DOT related events without prior DOT approval. All prices and merchandise to be sold are subject to DOT's approval.

The sale of counterfeit or unlicensed merchandise at this concession will result in the immediate termination of the License and seizure of the security deposit.

## **29. Music & Sound Levels**

The Concessionaire will be required to comply with all laws, rules and regulations of appropriate agencies, specifically the DEP, regarding noise levels, and each Concessionaire shall be responsible for payment of any and all fees or royalties to the American Society of Composers, Authors and Publishers ("ASCAP"), Broadcast Music, Inc. ("BMI"), or such other entity as they may require for such music or music programming. The Concessionaire may operate and play sound equipment and music only at a sound level reasonably acceptable to the Commissioner. Any musical programming or other types of entertainment must be pre-approved by DOT. A cabaret license and concerts will be strictly prohibited at the Licensed Premises.

## **C. ADDITIONAL LICENSE REQUIREMENTS FOR EACH CONCESSIONAIRE**

1. The Concessionaire will be required to operate, manage and maintain the Licensed Premises as a concession for the use and enjoyment of the general public.
2. The Concessionaire will be required to submit a security deposit of 25% of the highest year's guaranteed minimum license fee, which will be required for the duration of the term of the License. This security deposit, which may be in the form of an interest bearing account or other format approved by DOT, will be due upon signing.
3. The Concessionaire will be required to carry at their sole cost and expense, Commercial General Liability insurance in at least three million dollars (\$3,000,000.00) per occurrence, five million dollars (\$5,000,000.00) aggregate and statutory limits of Worker's Compensation, Employer's Liability and Disability Benefits Insurance. The Commercial General Liability insurance will be required to name the City of New York, including its officials and employees, as an additional insured with coverage at least as broad as Insurance Services Office (ISO) Form GC 20 26, and the City's limits will be no lower than concessionaire's. If vehicles are to be used in connection with the concession, the Concessionaire shall carry Business Automobile Liability insurance in the amount of one million dollars (\$1,000,000.00) for each accident combined single limit for liability arising out of ownership, maintenance or use of any owned, non-owned, or hired vehicles. The Concessionaire shall maintain all-risk property insurance covering all buildings or structures on the property at a value determined by DOT. Proposers are on notice that the City may require other types of insurance and/or higher liability limits and other terms if, in the opinion of the Commissioner, the proposed concession warrants it.
4. The Concessionaire will be required to submit monthly statements of gross receipts from all categories of income from the Licensed Premises in a format approved by DOT. Within sixty (60) days following the end of each operating year, the Concessionaire will be required to submit a detailed income and expense statement for the past year's operation. The Concessionaire will be required to maintain a revenue control system to ensure the accurate and complete recording of all revenues, as described under "Internal Controls" in Section II above.
5. The Concessionaire will be required to pay all taxes applicable to the operation of the concession. Gross receipts shall exclude the amount of any federal, state or city taxes which are paid by the Concessionaire.
6. The Concessionaire will be responsible for regular pest control inspections and extermination, as needed. To the extent that the concessionaire applies pesticides to any property owned or leased by the City, concessionaire or any subcontractor hired by concessionaire shall comply with Chapter 12 of Title 17 of the New York City Administrative Code and limit the environmental impact of its pesticide use.
7. The Concessionaire will be prohibited from cutting down or removing any trees on the Licensed Premises without prior written approval from DOT. Any attachments to the trees, such as lights, are prohibited.
8. The Concessionaire will be required to cooperate with DOT during special and unforeseen events.
9. The Concessionaire must obtain the prior written approval of DOT prior to entering into any marketing or sponsorship agreement. In the event that the Concessionaire breaches this provision, the Concessionaire shall take any action that the City may deem necessary to protect the City's interests.
10. The Concessionaire will be required to purchase, supply, or otherwise obtain use of all equipment, fixed and non-fixed, necessary for the operation of the Licensed Premises, excluding the Bike Storage Structure which will be provided by DOT. The Licensed Premises must be kept in good and clean condition. In addition, the Concessionaire shall repair or replace said equipment if deemed necessary by DOT.

11. Pursuant to DOT's policy citywide, the Concessionaire will be prohibited from selling any beverages in glass bottles. All beverages will be required to be served in non-glass, shatter-proof containers. Also, the use of polystyrene packaging or food containers will be prohibited in the operation of the concession.
12. Smoking of any tobacco product or electronic cigarette is strictly prohibited at the Licensed Premises. The Concessionaire will be required to adhere to and enforce this policy.
13. The selling and/or advertisement of alcohol, cigarettes, cigars, electronic cigarettes, or any other tobacco products is strictly prohibited.
14. The Concessionaire will be required to indemnify the City for claims arising out of the Concessionaire's operations under the License Agreement, pursuant to a provision to be included in the License Agreement.
15. The Earned Sick Time Act, also known as the Paid Sick Leave Law ("PSLL"), requires covered employees who annually perform more than 80 hours of work in New York City to be provided with paid sick time. Concessionaires of the City of New York may be required to provide sick time pursuant to the PSLL. Appendix A the Paid Sick Leave Law Rider, will be included in any concession agreement awarded from this RFP and will incorporate the PSLL as a material term of such agreement. Please read Appendix A carefully.

#### **D. THE RFP PROCESS/PROPOSAL PROCEDURE**

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##### **1. PROPOSAL SUBMISSION INSTRUCTIONS**

The proposal should be typed on both sides of 8 1/2" X 11" paper. Pages should be paginated. The City of New York requests that all proposals be submitted on paper with no less than 30% post-consumer material content, i.e., the minimum recovered fiber content level for reprographic papers recommended by the United States Environmental Protection Agency. For any changes to that standard please consult: <http://www.epa.gov/cpg/products/printing.htm>. The proposer should state whether its response is printed on recycled paper containing the minimum percentage of recovered fiber content as requested by the City in these instructions. Failure to comply with any of the instructions set forth in this paragraph will not be considered non-responsive.

No proposals should be submitted in plastic sleeves or spiral binders. Illustrations may be included. All plans are subject to DOT's prior written approval. Oversized drawings may be submitted, but must be accompanied by 8 1/2" x 11" sectionals or reductions to 8 1/2" x 11". No telegraphic or facsimile proposals will be accepted. The proposal will be evaluated on the basis of its content, not length.

**Please submit four (4) copies of your proposal (including four copies of all required attachments). The following information should be printed on the outside of the envelope:**

- Proposer's Name, Address and Contact Information
- Solicitation #: **[SOLICITATION #]**
- Proposal Due Date: **[DUE DATE]**

##### **2. PROPOSAL SUBMISSION REQUIREMENTS**

Each proposal submitted **must** meet the following requirements. Failure to comply will result in the automatic disqualification of a submission from further consideration.

All proposers must submit a proposal that includes a fee offer for each year of the license term. At DOT's request, proposer shall submit documentation, satisfactory to DOT, demonstrating that it has the financial capability to pay the fees set forth in its proposal. Failure to provide such documentation will result in a determination of non-responsiveness.

1. **All proposers are required to submit as a proposal deposit a certified bank check, official bank check, money order, or cashier's check in the amount of five hundred dollars (\$500.00) for each location proposed for with the proposal (payable to New York City Department of Transportation).** Personal or business checks will not be accepted. In the event of the failure of a successful proposer to execute a concession agreement in accordance with the terms of its proposal, the deposit shall be retained by the City unless the proposal has been permitted to be withdrawn. Proposal deposits will be returned to unsuccessful proposers after the concession agreement is signed with the successful proposer.
2. All proposals must be submitted by hand delivery in a sealed envelope and received at the Bid Room, 55 Water Street, Ground Floor, adjacent to the Veteran's Memorial Plaza.
3. All proposals must be received by 2 p.m. on January 16<sup>th</sup>, 2018.

**Proposals and modifications received after the time and date listed above will be considered late, will be returned to the proposer unopened and will not be considered for award, except as provided for in Section 1-13(j)(2)(i) of the Concession Rules.**

5. Pursuant to Local Law 34 of 2007, amending the City's Campaign Finance Law, the City is required to establish a computerized database containing the names of any "person" that has "business dealings with the City" as such terms are defined in the Local Law. In order for the City to obtain necessary information to establish the required database, proposers responding to this solicitation are required to complete the attached Doing Business Data Form and return it with this proposal and should do so in a separate envelope. (If the responding proposer is a proposed joint venture, the entities that comprise the proposed joint venture must each complete a Data Form). If the City determines that a proposer has failed to submit a Data Form or has submitted a Data Form that is not complete, the proposer will be notified by the agency and will be given four (4) calendar days from receipt of notification to cure the specified deficiencies and return a complete Data Form to the agency. Failure to do so will result in a determination that the proposal is non-responsive. Receipt of notification is defined as the day notice is e-mailed or faxed (if the proposer has provided an e-mail address or fax number), or no later than five (5) days from the date of mailing or upon delivery, if delivered (See Appendix B)

### **3. PROPOSAL CONTENT GUIDELINES**

Each proposal is expected to include the following:

#### **1. Fee Offer**

- All proposals must include a flat fee offer for each year of the license term. Proposals that do not state a guaranteed annual flat fee will not be considered. The City urges that there be an escalation of at least five percent (5%) per year (compounded annually) in annual fee over the license term.

#### **2. Operating Experience**

- Proposers should submit a resume or detailed description of the proposer's professional qualifications, demonstrating extensive experience in the industry, including any work with City agencies, and/or access to individuals and/or firms with such expertise. Include the names and addresses of all corporate officers of the entity submitting the proposal. If any principal owner and/or officer of the submitting entity is currently or has been a principal officer of another entity or entities within the last five (5) years, that entity or entities (including applicable tax identification numbers) should be identified as well.
- Proposers should attach a list of at least three (3) recent relevant references, with whom the proposer

has previously worked and/or who can describe such matters as the proposer's financial, operational and organizational capability. One of the three references should be from a financial institution that has extended credit to the proposer. Include the name of the reference entity, a description of the nature of the listed reference's experience with the proposer and the name, title, address, and telephone number of a contact person at the reference entity.

### **3. Planned Operations**

- Proposers should submit a detailed operational plan for the Licensed Premises. This plan should include, but not be limited to, intended use of the Licensed Premises, hours of operation, services to be provided, any plans to install energy efficient appliances that have the Energy Star seal of approval and/or water conserving appliances, and any plans to use "Green Seal" or other environmentally friendly products or devices, equipment storage plans, proposed signage, rubbish removal, cleaning schedules, staffing plans, safety and security plans, merchandise to be sold, any plans to enhance the Licensed Premises, programming plans, mechanisms to measure customer satisfaction, and a detailed list of all proposed fees and prices. All plans, schedules, services, merchandise, prices and fees, and hours of operation are subject to DOT's prior, written approval.
- Proposers should submit an estimated number of full-time and seasonal employees and the positions these employees will fill.
- Proposers should include in their submissions the mechanisms they would use to measure customer satisfaction with the services offered by this concession. Such mechanisms might include customer evaluations or survey forms. Further, DOT would like proposers to include how they would improve the quality of services offered if the above mechanisms indicate a need to do so.
- Proposers should include a comprehensive pro-forma income and expense projection for each year of operation. This pro-forma projection should include explanations for all the assumptions used in its formulation.
- DOT will view favorably any plans to install energy efficient appliances that have the Energy Star seal of approval and/or water conserving appliances, and any plans to use "Green Seal" or other environmentally friendly products or devices.
- DOT will view favorably proposals that show a commitment to cooperate with and support administrators, users of the Licensed Premises and the surrounding community. DOT will view favorably proposals that demonstrate how the concessionaire will work with DOT staff to address maintenance issues at the location surrounding the Licensed Premises.

### **4. Financial Capability**

- Proposers should include a financial statement or statements prepared in accordance with standard accounting procedures. Financial statements should include, but are not limited to, annual income and net worth (assets and liabilities), including a breakdown of liquid and non-liquid assets. Proposers should include supporting documentation of their financial worth, including but not limited to Certified Financial Statements, Balance Sheets and Income Statements and tax returns from the past three (3) years (corporate and/or personal).
- Proposers should identify the intended source of all funds proposed to be invested in the Licensed Premises.

**PLEASE NOTE: All proposals should indicate how the proposer became aware of this concession opportunity (e.g. newspaper ad; mailing list, DOT website, etc.).**

## **E. EVALUATION AND SELECTION PROCEDURES**

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Proposals will be evaluated by a selection committee composed of a minimum of three (3) DOT employees or DOT and other City employees in accordance with procedures established by the Franchise and Concession Review Committee, based on the criteria listed below. The concession will be awarded to the proposer whose submission the selection committee judges best overall based on these criteria.

### **1. PROPOSAL EVALUATION CRITERIA**

In evaluating proposals, the Selection Committee will use the following criteria for each Kiosk:

Fee offer: See Section D(3)(1) (10%)

Operating experience: See Section D(3)(2) (35%)

Planned operations: See Section D(3)(3) (35%)

Financial capability: See Section D(3)(4) (20%)

### **2. EVALUATION PROCEDURES**

DOT will only consider proposals that meet satisfactory levels of the above criteria. The City is not required to accept the proposal that includes the highest fee offer. DOT's acceptance of a proposal does not imply that every element of that proposal has been accepted.

DOT cannot consider any proposal that does not comply with the "Submission Requirements" section of this RFP. Proposals that do not meet these requirements will not be evaluated. When feasible, employees of DOT will visit facilities operated by proposers.

## **F. OTHER GENERAL RFP REQUIREMENTS AND CONDITIONS**

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DOT reserves the right to postpone or cancel this RFP or reject all proposals, if in its judgment it deems it to be in the best interest of the City of New York to do so.

Proposers are advised that DOT has the option of selecting the proposer without conducting discussions or negotiations. Therefore, proposers should submit their best proposals initially, since discussions or negotiations may not take place.

Proposers are also advised that the award of this concession is subject to applicable provisions of federal, State, and local laws and executive orders requiring affirmative action and equal employment opportunity.

Proposers have the right to appeal a determination of non-responsiveness and/or non-responsibility and have the right to protest a solicitation and award as specified in Chapter 1 of Title 12 of the Rules of the City of New York.

All RFP submission materials become the property of the City of New York and DOT. Proposal submission material will generally be made available for inspection and copying by interested parties upon written request, except when exempted from disclosure under the New York State Freedom of Information Law.

DOT is subject to the New York State Freedom of Information Law, which governs the process for the public disclosure of certain records maintained by DOT. (See Public Officers Law, Sections 87 and 89). Individuals or firms that submit proposals to DOT may request that DOT except all or part of such a proposal from public disclosure, on the grounds that the proposal contains trade secrets, proprietary information, or that the

information, if disclosed, would cause substantial injury to the competitive position of the individual or firm submitting the information. Such exception may extend to information contained in the request itself, if public disclosure would defeat the purpose for which the exception is sought. The request for such an exception must be in writing and state, in detail, the specific reasons for the requested exception. It must also specify the proposal or portions thereof for which the exception is requested. If DOT grants the request for exception from disclosure, DOT shall keep such proposal or portions thereof in secure facilities.

DOT shall not be liable for any costs incurred by proposers in the preparation of proposals or for any work performed in connection therein.

Proposers should be aware that this concession will be developed and operated pursuant to a License issued by DOT. In the event this agreement is terminated, DOT will not reimburse Concessionaire's unamortized capital improvement costs.

A proposer may submit a modified proposal to replace all or any portion of a proposal submitted up until the proposal submission deadline. DOT will only consider the latest version of the proposal. Late proposals and late modifications will not be considered for evaluation, except as provided for in Section 1-13(j) (2) (i) of the Concession Rules. Proposers may withdraw their proposals from consideration at any time before the proposal submission deadline by submitting written notice to DOT. A proposer may not withdraw its proposal before the expiration of forty-five (45) calendar days after the date of the opening of proposals; thereafter a proposer may only withdraw its proposal by submitting written notice to DOT in advance of an actual grant of a concession.

Technical addenda issued by DOT will be the only authorized method for communicating clarifying information to all potential proposers. Proposers should contact the agency before submitting a proposal to verify that they have received any addenda issued. Proposers shall acknowledge the receipt of any addenda in their proposal submissions.

Proposers should be aware that, upon DOT's request, proposer(s) will be required to complete and submit an online Procurement and Sourcing Solutions Portal (PASSPort) Vendor and Principal Questionnaires (formerly known as Vendor Information Exchange System (VENDEX) forms) to the Mayor's Office of Contract Services (MOCS). In addition, any person or entity with at least a 10% ownership interest in the submitting vendor (including a parent company), is required to complete PASSPort Questionnaires (Principal Questionnaire for any person and Vendor Questionnaire for any entity with at least a 10% ownership interest in the submitting vendor). The concession award will be subject to completion of the PASSPort questionnaires and review of certain information contained therein by the Department of Investigation. To submit the questionnaires to MOCS, create an account and submit the vendor enrollment package in PASSPort through the NYC website at <http://www.nyc.gov/passport>.

The New York City Comptroller is charged with the audit of concession agreements in New York City. Any person or entity that believes that there has been unfairness, favoritism or impropriety in the proposal process should inform the Comptroller's Office of Contract Administration, 1 Centre Street, Room 835, New York, New York 10007. This office may be reached at (212) 669-2323.

Polly Trottenberg, Commissioner



## **Exhibit A: Locations**

DOT will place Bike Storage Structures at the following three locations. A site plan for each location follows the description below. The exact placement at each location is subject to final approval by DOT.

**1. University Place – Manhattan**

The Bike Storage Structure will be located on the western side of University Place at 14<sup>th</sup> Street. This location benefits from its proximity to Union Square, a major destination and transportation hub.

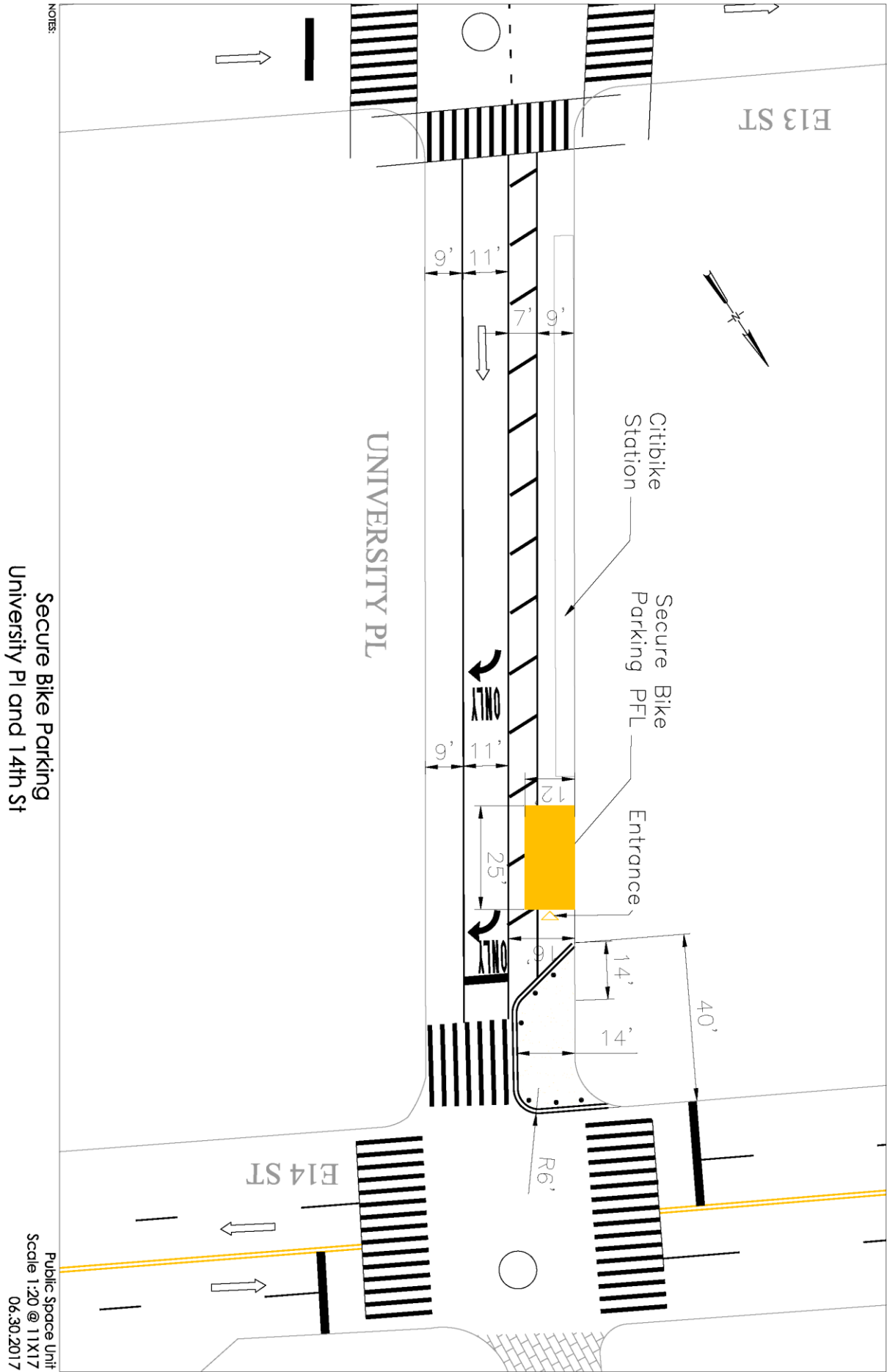
**2. Times Square Plaza – Manhattan**

The Bike Storage Structure will be located on the eastern side of Broadway between 41st and 42nd Streets. In addition to being located at Times Square, this location is approximately one block from Bryant Park and 1.5 blocks from the Port Authority Bus Terminal.

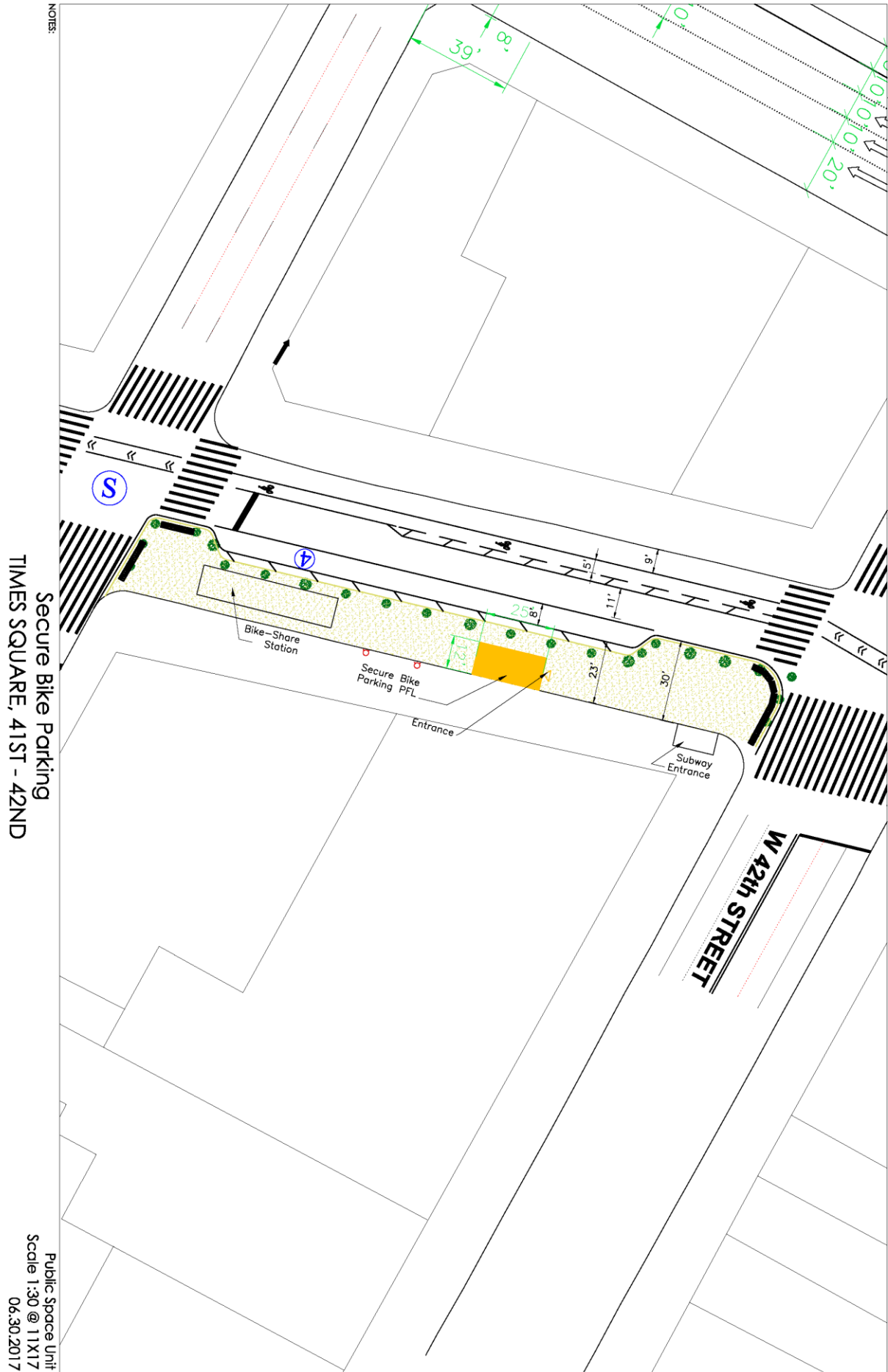
**3. Myrtle-Wyckoff Plaza – Brooklyn and Queens**

The Bike Storage Structure will be located on the southern side of the Myrtle-Wyckoff Plaza. Myrtle-Wyckoff Station (L/M) has an average of approximately 20,000 weekday subway riders. The area is not served by Citi Bike, so a Bike Storage Structure at this location could serve as a first/last mile connection for subway riders.

# Exhibit A: Locations



# Exhibit A: Locations



NOTES:

Secure Bike Parking  
Myrtle Wyckoff

Public Space Unit  
Scale 1:30 @ 11X17  
06.30.2017

## Exhibit B: Bike Storage Structure

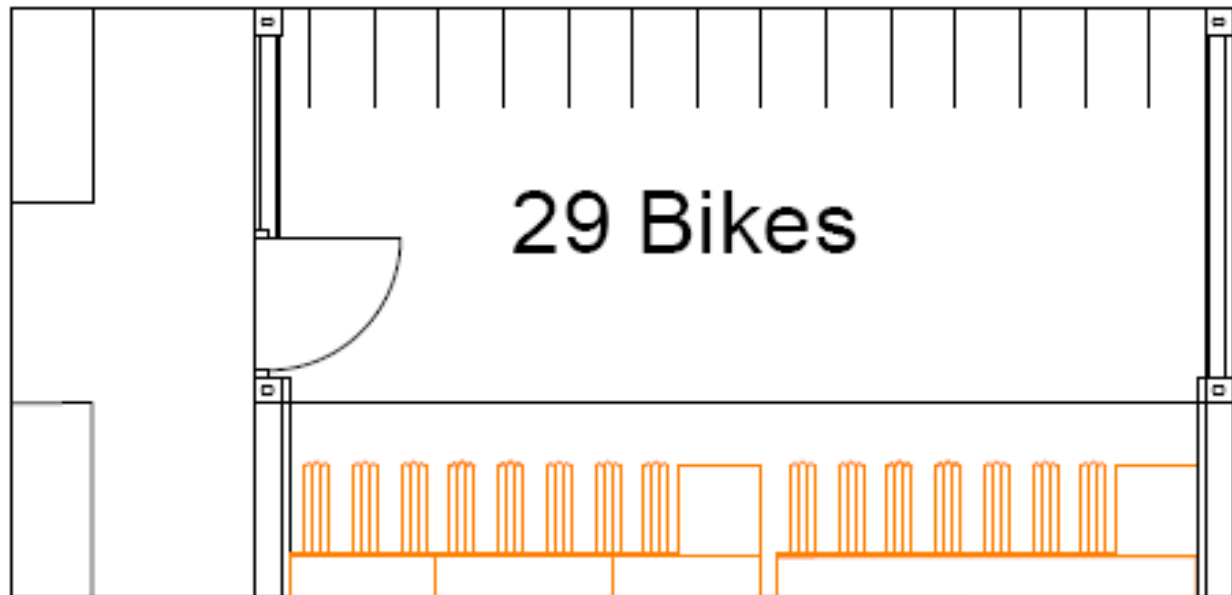
### Specifications:

- Footprint of structure is 25' x 12'
- Vertical bike racks are installed with capacity for 29 bikes
- Structure will be powered by solar panel, have outlets to support retail/repair needs
- Structure can be securely locked when not in use



Figure 1: Draft rendering of Bike Storage Structure

## Exhibit B: Bike Storage Structure



**Figure 2: Plan view of Bike Storage structure. Entryway/retail area is on the left.** APPENDIX A



## APPENDIX A

### **PAID SICK LEAVE LAW CONCESSION AGREEMENT RIDER**

#### Introduction and General Provisions

The Earned Sick Time Act, also known as the Paid Sick Leave Law (“PSLL”), requires covered employees who annually perform more than 80 hours of work in New York City to be provided with paid sick time.<sup>1</sup> Concessionaires of the City of New York or of other governmental entities may be required to provide sick time pursuant to the PSLL.

The PSLL became effective on April 1, 2014, and is codified at Title 20, Chapter 8, of the New York City Administrative Code. It is administered by the City’s Department of Consumer Affairs (“DCA”); DCA’s rules promulgated under the PSLL are codified at Chapter 7 of Title 6 of the Rules of the City of New York (“Rules”).

The Concessionaire agrees to comply in all respects with the PSLL and the Rules, and as amended, if applicable, in the performance of this agreement. The Concessionaire further acknowledges that such compliance is a material term of this agreement and that failure to comply with the PSLL in performance of this agreement may result in its termination.

The Concessionaire must notify the Concession Manager in writing within ten (10) days of receipt of a complaint (whether oral or written) regarding the PSLL involving the performance of this agreement. Additionally, the Concessionaire must cooperate with DCA’s education efforts and must comply with DCA’s subpoenas and other document demands as set forth in the PSLL and Rules.

The PSLL is summarized below for the convenience of the Concessionaire.

The Concessionaire is advised to review the PSLL and Rules in their entirety. On the website [www.nyc.gov/PaidSickLeave](http://www.nyc.gov/PaidSickLeave) there are links to the PSLL and the associated Rules as well as additional resources for employers, such as Frequently Asked Questions, timekeeping tools and model forms, and an event calendar of upcoming presentations and webinars at which the Concessionaire can get more information about how to comply with the PSLL. The Concessionaire acknowledges that it is responsible for compliance with the PSLL notwithstanding any inconsistent language contained herein.

Pursuant to the PSLL and the Rules:

#### Applicability, Accrual, and Use

An employee who works within the City of New York for more than eighty hours in any consecutive 12-month period designated by the employer as its “calendar year” pursuant to the PSLL (“Year”) must be provided sick time. Employers must provide a minimum of one hour of sick time for every 30 hours worked by an employee and compensation for such sick time must be provided at the greater of the employee’s regular hourly rate or the minimum wage. Employers are not required to provide more than forty hours of sick time to an employee in any Year.

An employee has the right to determine how much sick time he or she will use, provided that employers may set a reasonable minimum increment for the use of sick time not to exceed four hours per day. In addition, an employee may carry over up to forty hours of unused sick time to the following Year, provided that no employer is required to allow the use of more than forty hours of sick time in a Year or carry over unused paid sick time if

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<sup>1</sup> Pursuant to the PSLL, if fewer than five employees work for the same employer, as determined pursuant to New York City Administrative Code §20-912(g), such employer has the option of providing such employees uncompensated sick time.



the employee is paid for such unused sick time and the employer provides the employee with at least the legally required amount of paid sick time for such employee for the immediately subsequent Year on the first day of such Year.

An employee entitled to sick time pursuant to the PSLL may use sick time for any of the following:

- such employee's mental illness, physical illness, injury, or health condition or the care of such illness, injury, or condition or such employee's need for medical diagnosis or preventive medical care;
- such employee's care of a family member (an employee's child, spouse, domestic partner, parent, sibling, grandchild or grandparent, or the child or parent of an employee's spouse or domestic partner) who has a mental illness, physical illness, injury or health condition or who has a need for medical diagnosis or preventive medical care;
- closure of such employee's place of business by order of a public official due to a public health emergency; or
- such employee's need to care for a child whose school or childcare provider has been closed due to a public health emergency.

An employer must not require an employee, as a condition of taking sick time, to search for a replacement. However, an employer may require an employee to provide: reasonable notice of the need to use sick time; reasonable documentation that the use of sick time was needed for a reason above if for an absence of more than three consecutive work days; and/or written confirmation that an employee used sick time pursuant to the PSLL. However, an employer may not require documentation specifying the nature of a medical condition or otherwise require disclosure of the details of a medical condition as a condition of providing sick time and health information obtained solely due to an employee's use of sick time pursuant to the PSLL must be treated by the employer as confidential.

If an employer chooses to impose any permissible discretionary requirement as a condition of using sick time, it must provide to all employees a written policy containing those requirements, using a delivery method that reasonably ensures that employees receive the policy. If such employer has not provided its written policy, it may not deny sick time to an employee because of non-compliance with such a policy.

Sick time to which an employee is entitled must be paid no later than the payday for the next regular payroll period beginning after the sick time was used.

### Exemptions and Exceptions

Notwithstanding the above, the PSLL does not apply to any of the following:

- an independent contractor who does not meet the definition of employee under section 190(2) of the New York State Labor Law;
- an employee covered by a valid collective bargaining agreement in effect on April 1, 2014 until the termination of such agreement;
- an employee in the construction or grocery industry covered by a valid collective bargaining agreement if the provisions of the PSLL are expressly waived in such collective bargaining agreement;
- an employee covered by another valid collective bargaining agreement if such provisions are expressly waived in such agreement and such agreement provides a benefit comparable to that provided by the PSLL for such employee;
- an audiologist, occupational therapist, physical therapist, or speech language pathologist who is licensed by the New York State Department of Education and who calls in for work assignments at will, determines his or her own schedule, has the ability to reject or accept any assignment referred to him or her, and is paid an average hourly wage that is at least four times the federal minimum wage;
- an employee in a work study program under Section 2753 of Chapter 42 of the United States Code;
- an employee whose work is compensated by a qualified scholarship program as that term is defined in the Internal Revenue Code, Section 117 of Chapter 20 of the United States Code; or

- a participant in a Work Experience Program (WEP) under section 336-c of the New York State Social Services Law.

### Retaliation Prohibited

An employer may not threaten or engage in retaliation against an employee for exercising or attempting in good faith to exercise any right provided by the PSLL. In addition, an employer may not interfere with any investigation, proceeding, or hearing pursuant to the PSLL.

### Notice of Rights

An employer must provide its employees with written notice of their rights pursuant to the PSLL. Such notice must be in English and the primary language spoken by an employee, provided that DCA has made available a translation into such language. Downloadable notices are available on DCA's website at <http://www.nyc.gov/html/dca/html/law/PaidSickLeave.shtml>.

Any person or entity that willfully violates these notice requirements is subject to a civil penalty in an amount not to exceed fifty dollars for each employee who was not given appropriate notice.

### Records

An employer must retain records documenting its compliance with the PSLL for a period of at least three years, and must allow DCA to access such records in furtherance of an investigation related to an alleged violation of the PSLL.

### Enforcement and Penalties

Upon receiving a complaint alleging a violation of the PSLL, DCA has the right to investigate such complaint and attempt to resolve it through mediation. Within 30 days of written notification of a complaint by DCA, or sooner in certain circumstances, the employer must provide DCA with a written response and such other information as DCA may request. If DCA believes that a violation of the PSLL has occurred, it has the right to issue a notice of violation to the employer.

DCA has the power to grant an employee or former employee all appropriate relief as set forth in New York City Administrative Code 20-924(d). Such relief may include, among other remedies, treble damages for the wages that should have been paid, damages for unlawful retaliation, and damages and reinstatement for unlawful discharge. In addition, DCA may impose on an employer found to have violated the PSLL civil penalties not to exceed \$500 for a first violation, \$750 for a second violation within two years of the first violation, and \$1,000 for each succeeding violation within two years of the previous violation.

### More Generous Policies and Other Legal Requirements

Nothing in the PSLL is intended to discourage, prohibit, diminish, or impair the adoption or retention of a more generous sick time policy, or the obligation of an employer to comply with any contract, collective bargaining agreement, employment benefit plan or other agreement providing more generous sick time. The PSLL provides minimum requirements pertaining to sick time and does not preempt, limit or otherwise affect the applicability of any other law, regulation, rule, requirement, policy or standard that provides for greater accrual or use by employees of sick leave or time, whether paid or unpaid, or that extends other protections to employees. The PSLL may not be construed as creating or imposing any requirement in conflict with any federal or state law, rule or regulation.



The City of New York  
Mayor's Office of Contract Services  
Doing Business Accountability Project

## Doing Business Data Form

| To be completed by the City Agency prior to distribution   |   |                       |  |
|--|---|-----------------------|--|
| Agency: _____  |   | Transaction ID: _____ |  |
| <b>Check One:</b><br><br><input type="checkbox"/> Proposal<br><br><input type="checkbox"/> Award | <b>Transaction Type (check one):</b><br><br><input type="checkbox"/> Concession <input type="checkbox"/> Contract <input type="checkbox"/> Economic Development Agreement<br><input type="checkbox"/> Franchise <input type="checkbox"/> Grant <input type="checkbox"/> Pension Investment Contract |                       |  |

Any entity receiving, applying for or proposing on an award or agreement must complete a Doing Business Data Form (see Q&A sheet for more information). Please either type responses directly into this fillable form or print answers by hand in black ink, and be sure to fill out the certification box on the last page. **Submission of a complete and accurate form is required for a proposal to be considered responsive or for any entity to receive an award or enter into an agreement.**

This Data Form requires information to be provided on principal officers, owners and senior managers. The name, employer and title of each person identified on the Data Form will be included in a public database of people who do business with the City of New York; no other information reported on this form will be disclosed to the public. **This Data Form is not related to the City's VENDEX requirements.**

**Please return the completed Data Form to the City Agency that supplied it.** Please contact the Doing Business Accountability Project at [DoingBusiness@cityhall.nyc.gov](mailto:DoingBusiness@cityhall.nyc.gov) or 212-788-8104 with any questions regarding this Data Form. Thank you for your cooperation.

### **Section 1: Entity Information**

Entity Name: \_\_\_\_\_

Entity EIN/TIN: \_\_\_\_\_

#### **Entity Filing Status (select one):**

- ☐ Entity has never completed a Doing Business Data Form. *Fill out the entire form.*
- ☐ Change from previous Data Form dated \_\_\_\_\_. *Fill out only those sections that have changed, and indicate the name of the persons who no longer hold positions with the entity.*
- ☐ **No Change from previous Data Form dated \_\_\_\_\_.** *Skip to the bottom of the last page.*

Entity is a Non-Profit:      ☐ Yes      ☐ No

Entity Type:    ☐ Corporation (any type)    ☐ Joint Venture    ☐ LLC    ☐ Partnership (any type)  
                     ☐ Sole Proprietor                      ☐ Other (specify): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

Provide your e-mail address and/or fax number in order to receive notices regarding this form by e-mail or fax.

Doing Business Data Form

EIN/TIN: \_\_\_\_\_

**Section 2: Principal Officers**

Please fill in the required identification information for each officer listed below. If the entity has no such officer or its equivalent, please check "This position does not exist." If the entity is filing a Change Form and the person listed is replacing someone who was previously disclosed, please check "This person replaced..." and fill in the name of the person being replaced so his/her name can be removed from the *Doing Business Database*, and indicate the date that the change became effective.

**Chief Executive Officer (CEO) or equivalent officer**☐ This position does not exist

The highest ranking officer or manager, such as the President, Executive Director, Sole Proprietor or Chairperson of the Board.

First Name: \_\_\_\_\_ MI: \_\_\_\_\_ Last: \_\_\_\_\_

Office Title: \_\_\_\_\_

Employer (if not employed by entity): \_\_\_\_\_

Birth Date (mm/dd/yy): \_\_\_\_\_ Home Phone #: \_\_\_\_\_

Home Address: \_\_\_\_\_

☐ This person replaced former CEO: \_\_\_\_\_ on date: \_\_\_\_\_**Chief Financial Officer (CFO) or equivalent officer**☐ This position does not exist

The highest ranking financial officer, such as the Treasurer, Comptroller, Financial Director or VP for Finance.

First Name: \_\_\_\_\_ MI: \_\_\_\_\_ Last: \_\_\_\_\_

Office Title: \_\_\_\_\_

Employer (if not employed by entity): \_\_\_\_\_

Birth Date (mm/dd/yy): \_\_\_\_\_ Home Phone #: \_\_\_\_\_

Home Address: \_\_\_\_\_

☐ This person replaced former CFO: \_\_\_\_\_ on date: \_\_\_\_\_**Chief Operating Officer (COO) or equivalent officer**☐ This position does not exist

The highest ranking operational officer, such as the Chief Planning Officer, Director of Operations or VP for Operations.

First Name: \_\_\_\_\_ MI: \_\_\_\_\_ Last: \_\_\_\_\_

Office Title: \_\_\_\_\_

Employer (if not employed by entity): \_\_\_\_\_

Birth Date (mm/dd/yy): \_\_\_\_\_ Home Phone #: \_\_\_\_\_

Home Address: \_\_\_\_\_

☐ This person replaced former COO: \_\_\_\_\_ on date: \_\_\_\_\_

Doing Business Data Form

EIN/TIN: \_\_\_\_\_

**Section 3: Principal Owners**

Please fill in the required identification information for all individuals who, through stock shares, partnership agreements or other means, **own or control 10% or more of the entity**. If no individual owners exist, please check the appropriate box to indicate why and skip to the next page. If the entity is owned by other companies, those companies do **not** need to be listed. If an owner was identified on the previous page, fill in his/her name and write "See above." If the entity is filing a Change Form, list any individuals who are no longer owners at the bottom of this page. If more space is needed, attach additional pages labeled "Additional Owners."

**There are no owners listed because (select one):**

☐ The entity is not-for-profit      ☐ There are no individual owners      ☐ No individual owner holds 10% or more shares in the entity  
☐ Other (explain): \_\_\_\_\_

**Principal Owners (who own or control 10% or more of the entity):**

First Name: \_\_\_\_\_ MI: \_\_\_\_\_ Last: \_\_\_\_\_

Office Title: \_\_\_\_\_

Employer (if not employed by entity): \_\_\_\_\_

Birth Date (mm/dd/yy): \_\_\_\_\_ Home Phone #: \_\_\_\_\_

Home Address: \_\_\_\_\_

First Name: \_\_\_\_\_ MI: \_\_\_\_\_ Last: \_\_\_\_\_

Office Title: \_\_\_\_\_

Employer (if not employed by entity): \_\_\_\_\_

Birth Date (mm/dd/yy): \_\_\_\_\_ Home Phone #: \_\_\_\_\_

Home Address: \_\_\_\_\_

First Name: \_\_\_\_\_ MI: \_\_\_\_\_ Last: \_\_\_\_\_

Office Title: \_\_\_\_\_

Employer (if not employed by entity): \_\_\_\_\_

Birth Date (mm/dd/yy): \_\_\_\_\_ Home Phone #: \_\_\_\_\_

Home Address: \_\_\_\_\_

**Remove the following previously-reported Principal Owners:**

Name: \_\_\_\_\_ Removal Date: \_\_\_\_\_

Name: \_\_\_\_\_ Removal Date: \_\_\_\_\_

Name: \_\_\_\_\_ Removal Date: \_\_\_\_\_

Doing Business Data Form

EIN/TIN: \_\_\_\_\_

**Section 4: Senior Managers**

Please fill in the required identification information for all senior managers who oversee any of the entity's relevant transactions with the City (e.g., contract managers if this form is for a contract award/proposal, grant managers if for a grant, etc.). Senior managers include anyone who, either by title or duties, has substantial discretion and high-level oversight regarding the solicitation, letting or administration of any transaction with the City. **At least one senior manager must be listed, or the Data Form will be considered incomplete.** If a senior manager has been identified on a previous page, fill in his/her name and write "See above." If the entity is filing a Change Form, list individuals who are no longer senior managers at the bottom of this section. If more space is needed, attach additional pages labeled "Additional Senior Managers."

**Senior Managers:**

First Name: \_\_\_\_\_ MI: \_\_\_\_\_ Last: \_\_\_\_\_

Office Title: \_\_\_\_\_

Employer (if not employed by entity): \_\_\_\_\_

Birth Date (mm/dd/yy): \_\_\_\_\_ Home Phone #: \_\_\_\_\_

Home Address: \_\_\_\_\_

First Name: \_\_\_\_\_ MI: \_\_\_\_\_ Last: \_\_\_\_\_

Office Title: \_\_\_\_\_

Employer (if not employed by entity): \_\_\_\_\_

Birth Date (mm/dd/yy): \_\_\_\_\_ Home Phone #: \_\_\_\_\_

Home Address: \_\_\_\_\_

First Name: \_\_\_\_\_ MI: \_\_\_\_\_ Last: \_\_\_\_\_

Office Title: \_\_\_\_\_

Employer (if not employed by entity): \_\_\_\_\_

Birth Date (mm/dd/yy): \_\_\_\_\_ Home Phone #: \_\_\_\_\_

Home Address: \_\_\_\_\_

**Remove the following previously-reported Senior Managers:**

Name: \_\_\_\_\_ Removal Date: \_\_\_\_\_

Name: \_\_\_\_\_ Removal Date: \_\_\_\_\_

**Certification**

**I certify that the information submitted on these four pages and \_\_\_\_\_ additional pages is accurate and complete. I understand that willful or fraudulent submission of a materially false statement may result in the entity being found non-responsible and therefore denied future City awards.**

Name: \_\_\_\_\_

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

Entity Name: \_\_\_\_\_

Title: \_\_\_\_\_ Work Phone #: \_\_\_\_\_

**Return the completed Data Form to the agency that supplied it.**

DOING BUSINESS ACCOUNTABILITY PROJECT  
**QUESTIONS AND ANSWERS ABOUT THE DOING BUSINESS DATA FORM**

**What is the purpose of this *Data Form*?**

To collect accurate, up-to-date identification information about organizations that have business dealings with the City of New York in order to comply with Local Law 34 of 2007 (LL 34), the recently passed campaign finance reform law. LL 34 limits municipal campaign contributions from principal officers, owners and senior managers of entities doing business with the City and mandates the creation of a *Doing Business Database* to allow the City to enforce the law. The information requested in this *Data Form* must be provided, regardless of whether the organization or the people associated with it make or intend to make campaign contributions. No sensitive personal information collected will be disclosed to the public.

**Why have I received this *Data Form*?**

The contract, franchise, concession, grant or economic development agreement you are proposing on, applying for or have already been awarded is considered a business dealing with the City under LL 34. No proposal or application will be considered and no award will be made unless this *Data Form* is completed. Most transactions valued at more than \$5,000 are considered business dealings and require completion of the *Data Form*. Exceptions include transactions awarded on an emergency basis or by publicly advertised, non-pre-qualified, competitive sealed bid. Other types of transactions that are considered business dealings include real property and land use actions with the City.

**What individuals will be included in the *Doing Business Database*?**

The principal officers, owners and certain senior managers of organizations listed in the *Doing Business Database* are themselves considered to be doing business with the City and will also be included in the *Database*.

- **Principal Officers** are the Chief Executive Officer (CEO), Chief Financial Officer (CFO) and Chief Operating Officer (COO), or their functional equivalents. See the *Data Form* for examples of titles that apply.
- **Principal Owners** are individuals who own or control 10% of more of the organization. This includes stockholders, partners and anyone else with an ownership or controlling interest in the entity.
- **Senior Managers** include anyone who, either by job title or actual duties, has substantial discretion and high-level oversight regarding the solicitation, letting or administration of any contract, concession, franchise, grant or economic development agreement with the City. At least one Senior Manager must be listed or the *Data Form* will be considered incomplete.

**I have already completed a *Doing Business Data Form*; do I have to submit another one?**

Yes. An organization is required to submit a *Doing Business Data Form* each time it enters into a transaction considered a business dealing with the City, including contract, concession and franchise proposals. However, the *Data Form* has both a Change option, which requires only information that has changed since the last *Data Form* was filed, and a No Change option. No organization should have to fill out the entire *Data Form* more than once.

If you have already submitted a *Data Form* for one transaction type (such as a contract), and this is the first time you are completing a *Data Form* for a different transaction type (such as a grant), please select the Change option and complete Section 4 (Senior Managers) for the new transaction type.

**Will the personal information on this *Data Form* be available to the public?**

No. The names and titles of the officers, owners and senior managers reported on the *Data Form* will be made available to the public, as will information about the organization itself. However, personal identifying information, such as home address, home phone and date of birth, will not be disclosed to the public, and home address and phone number information will not be used for communication purposes.



**I provided some of this information on the VENDEX Questionnaire; do I have to provide it again?**

Yes. Although the *Doing Business Data Form* and the VENDEX Questionnaire request some of the same information, they serve entirely different purposes. In addition, the *Data Form* requests information concerning senior managers, which is not part of the VENDEX Questionnaire.

**What organizations will be included in the *Doing Business Database*?**

Organizations that hold \$100,000 or more in grants, contracts for goods or services, franchises or concessions (\$500,000 for construction contracts), or that hold any economic development agreement or pension fund investment contract, are considered to be doing business with the City for the purposes of LL 34. Because all of the business that an organization does or proposes to do with the City will be added together, the *Data Form* must be completed for all transactions valued at more than \$5,000 even if the organization doesn't currently do enough business with the City to be listed in the *Database*.

**No one in my organization plans to contribute to a candidate; do I have to fill out this *Data Form*?**

Yes. All organizations are required to return this *Data Form* with complete and accurate information, regardless of the history or intention of the entity or its officers, owners or senior managers to make campaign contributions. The *Doing Business Database* must be complete so that the Campaign Finance Board can verify whether future contributions are in compliance with the law.

**My organization is proposing on a contract with another firm as a Joint Venture that does not exist yet; how should the *Data Form* be completed?**

A joint venture that does not yet exist must submit a *Data Form* for each of its component firms. If the joint venture receives the award, it must then complete a form in the name of the joint venture.

**How long will an organization and its officers, owners and senior managers remain listed on the *Doing Business Database*?**

- **Contract, Concession and Economic Development Agreement holders:** generally for the term of the transaction, plus one year.
  - **Franchise and Grant holders:** from the commencement or renewal of the transaction, plus one year.
  - **Pension investment contracts:** from the time of presentation on an investment opportunity or the submission of a proposal, whichever is earlier, until the end of the contract, plus one year.
  - **Line item and discretionary appropriations:** from the date of budget adoption until the end of the contract, plus one year.
  - **Contract proposers:** for one year from the proposal date or date of public advertisement of the solicitation, whichever is later.
  - **Franchise and Concession proposers:** for one year from the proposal submission date.
- For information on other transaction types, contact the Doing Business Accountability Project.

**How does a person remove him/herself from the *Doing Business Database*?**

When an organization stops doing business with the City, the people associated with it are removed from the *Database* automatically. However, any person who believes that s/he should not be listed may apply for removal. Reasons that a person would be removed include his/her no longer being the principal officer, owner or senior manager of the organization. Organizations may also update their database information by submitting an update form. Removal Request and Update forms are available online at [www.nyc.gov/mocs](http://www.nyc.gov/mocs) (once there, click MOCS Programs) or by calling 212-788-8104.

**What are the new campaign contribution limits for people doing business with the City?**

Contributions to City Council candidates are limited to \$250 per election cycle; \$320 to Borough President candidates; and \$400 to candidates for citywide office. Please contact the NYC Campaign Finance Board for more information at [www.nyccfb.info](http://www.nyccfb.info), or 212-306-7100.

**The *Data Form* is to be returned to the City office that issued it.**

If you have any questions about the *Data Form* please contact the Doing Business Accountability Project at 212-788-8104 or [DoingBusiness@cityhall.nyc.gov](mailto:DoingBusiness@cityhall.nyc.gov).

## PROPOSAL CHECKLIST

FILLABLE FORM

The proposal package should contain the following materials. ***Proposers are encouraged to utilize this section as a checklist to assure completeness prior to submitting their proposal to the Agency.***

### **1. PROCEDURAL REQUIREMENTS**

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Each proposal must include:

- a. Proposal Deposit
- b. Appendix B: Doing Business Data Form (LL34)

### **2. CONCESSION PROPOSAL**

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Each proposal is expected to include the following information:

- a. Fee Offer
- b. Planned Operations
- c. Operating Experience
- d. Financial Capability

### **3. OUTER ENVELOPE**

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The sealed outer envelope or box must indicate:

- a. The proposer's name, address and contact information
- b. Solicitation #: 84118MBAD219
- c. Proposal Due Date: January 16<sup>th</sup>, 2018

**All proposals and other requested information must be submitted to the address below no later than 2 p.m. on January 16<sup>th</sup>, 2018.**

New York City Department of Transportation  
Bid Room  
55 Water Street, Ground Floor  
New York, NY 10041