

**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 BRIC Arts | Media | Bklyn, Inc. regarding the operation and maintenance of a food, beverage, and merchandise concession related to the presentation of live events at the Prospect Park Bandshell, Brooklyn.

**BE IT FURTHER RESOLVED**, that Parks shall submit the Agreement it proposes to enter into with BRIC Arts | Media | Bklyn, Inc. 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**

*February 14, 2018*

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

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

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

**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> Sole Source License Agreement with BRIC Arts   Media   Bklyn, Inc. regarding the Operation and Maintenance of a Food, Beverage, and Merchandise Concession related to the Presentation of Live Events at the Prospect Park Bandshell, Brooklyn.
<b># VOTES required for                  proposed action = 4</b> <input type="checkbox"/> N/A	<b>CONCESSION IDENTIFICATION # B73-O-SB</b>
<b>SELECTION PROCEDURE</b> (* City Chief Procurement Officer approval of CPSR required)	
<input type="checkbox"/> Competitive Sealed Bids (CSB) <span style="float: right;"><input type="checkbox"/> Competitive Sealed Proposals (CSP)*</span> <input checked="" type="checkbox"/> Different Procedure * ( <input checked="" type="checkbox"/> Sole Source Agreement <input type="checkbox"/> Other _____) <input type="checkbox"/> Negotiated Concession*	
Recommended Concessionaire: BRIC Arts   Media   Bklyn, Inc. <input checked="" type="checkbox"/> EIN <input type="checkbox"/> SSN # 11-2547268 Attach Memo(s) *	
<b>CONCESSION AGREEMENT TERM</b>  Initial Term:                      To be negotiated Renewal Option(s) Term:      To be negotiated  Total Potential Term:            To be negotiated	<b>ESTIMATED REVENUE/ANTICIPATED BUSINESS TERMS</b> (Check all that apply)  <input type="checkbox"/> Additional description attached <input type="checkbox"/> Annual Minimum Fee(s) \$ _____ <input type="checkbox"/> % Gross Receipts _____% <input type="checkbox"/> The Greater of Annual Minimum Fee(s of \$_____ v. _____% of Gross Receipts <input checked="" type="checkbox"/> Other formula To be negotiated
<b>LOCATION OF CONCESSION SITE(S)*</b> <input type="checkbox"/> N/A Address: Prospect Park Bandshell 141 Prospect Park West, Brooklyn, NY 11215 Borough: Brooklyn C.B.s: 6, 7, 8, 9, 14 Block # 1117, Lot # 1 *Attach additional sheet	
<b>CONCESSION TYPE (Check all that apply)</b>	
> <b>Significant Concession:</b> <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES Basis: <input type="checkbox"/> Total potential term =>10 years <input type="checkbox"/> Projected annual income/value to City >\$100,000 <input type="checkbox"/> Major Concession	
> <b>Major Concession:</b> <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES - Award will be subject to review and approval pursuant to Sections 197-c and 197-d of NYC Charter.	
<b>NOTIFICATION REQUIREMENTS</b>	
Subject concession will be awarded by CSB or CSP. <span style="float: right;"><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</span>	
If YES, check the applicable box(es) below:	
<input type="checkbox"/> 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.	
<input type="checkbox"/> 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.	
<input type="checkbox"/> 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.	
<input type="checkbox"/> 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:	
<input checked="" type="checkbox"/> 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

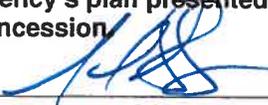
Title Director of Concessions

Signature 

Date 2/6/2018

**CITY CHIEF PROCUREMENT OFFICER**

This is to certify that the agency's plan presented herein will comply with the prescribed procedural requisites for the award of the subject concession.

Signature 

Date 2/7/18

City Chief Procurement Officer

# 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 ("different procedure") for the reasons listed in section (B)(2).

## B. DETERMINATION TO USE OTHER THAN COMPETITIVE SEALED PROPOSALS N/A

1. **Briefly summarize the terms and conditions of the concession.** Add additional sheet(s), if necessary.

To be determined at a later date - when/if the Franchise and Concession Review Committee ("FCRC") approves the use of a different procedure to negotiate a Sole Source License Agreement ("Agreement") with BRIC Arts | Media | Bklyn, Inc. ("BRIC") regarding the operation and maintenance of a food, beverage, and merchandise concession related to the presentation of live events at the Prospect Park Bandshell, Brooklyn.

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

Since its inception in 1979, BRIC has enriched the cultural landscape of Brooklyn by presenting, producing, and enabling a wide array of quality contemporary art, performing arts, and community media programs.

For over thirty (30) years, BRIC's flagship performing arts program, the BRIC Celebrate Brooklyn! Festival ("BRIC Celebrate Brooklyn!"), one of the most popular arts programs in Prospect Park, has contributed to the cultural heritage of the City by presenting performances from emerging and established musicians, dancers, and other artists from around the globe. BRIC Celebrate Brooklyn! runs from May 1<sup>st</sup> through August 31<sup>st</sup> each year ("Operating Season") and presents twenty (20) – twenty-five (25) free performing arts events to an average audience of two hundred thousand (200,000) New Yorkers and visitors annually. On December 5, 2017, BRIC entered into a five (5) year License Agreement (with two one (1) year renewal options) with Parks to manage and operate the BRIC Celebrate Brooklyn! Festival at the Prospect Park Bandshell, located in Prospect Park near Prospect Park West and 9<sup>th</sup> Street ("Licensed Premises").

Parks and BRIC have collectively created an effective public-private partnership whereby Parks and BRIC complement each other's efforts in connection with ensuring that the public continues to have access to free programs at the Licensed Premises. BRIC desires to operate and maintain or provide for the operation and maintenance of a food, beverage, and merchandise concession at the Licensed Premises related to the presentation of live events at the BRIC Celebrate Brooklyn! Festival. The revenue generated from the BRIC Celebrate Brooklyn! Festival does not cover the cost of free events, maintenance and operation of the Licensed Premises, and administrative expenses directly related to the BRIC Celebrate Brooklyn! Festival. The revenue generated from the sale of food, beverages, and merchandise at the BRIC Celebrate Brooklyn! Festival through the sole source concession will help BRIC offset the high costs of maintenance

and operations of the Licensed Premises, free public programming, and administrative expenses set forth above. Parks anticipates that any revenues generated at the Licensed Premises in excess of the amount attributable to covering the cost of the free events, for maintenance and operation of the Licensed Premises, and administrative expenses directly related to the operation of the BRIC Celebrate Brooklyn! Festival will be strictly used for additional free public programming at the Licensed Premises. During the Operating Season, BRIC is responsible for maintenance and repairs including but not limited to keeping the Licensed Premises free from trash, litter, stickers, graffiti, and debris; and making all repairs to equipment, seating, stage, and dressing areas necessary to keep the Bandshell in good and safe condition. BRIC is also required to clean and maintain the Licensed Premises every evening following a scheduled event during the Operating Season and to restore the Licensed Premises to its original condition after each Operating Season.

Given BRIC's commitment to promoting and producing performing arts events including the BRIC Celebrate Brooklyn! Festival at the Bandshell for all New Yorkers and visitors, Parks believes that it is in the best interest of the City to negotiate a Sole Source License Agreement with BRIC, rather than proceed with a competitive solicitation process.

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 BRIC which will go before the FCRC on February 14, 2018 ("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 with BRIC 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



NYC Parks

Alyssa Cobb Konon  
Assistant Commissioner  
Planning and Development

T 212.360.3402

E [alyssa.cobb@parks.nyc.gov](mailto:alyssa.cobb@parks.nyc.gov)

City of New York  
Parks & Recreation

The Arsenal  
Central Park  
New York, NY 10065  
[www.nyc.gov/parks](http://www.nyc.gov/parks)

## MEMORANDUM

**TO:** Hon. Eric Adams, President of the Borough of Brooklyn  
Craig Hammerman, District Manager, Brooklyn Community Board #6  
Jeremy Laufer, District Manager, Brooklyn Community Board #7  
Michelle George, District Manager, Brooklyn Community Board #8  
Vivia Morgan, Chair of Parks Committee, Brooklyn Community Board #9  
Shawn Campbell, District Manager, Brooklyn Community Board #14

**FROM:** Philip Abramson, NYC Parks Director of Revenue Communications *PA*

**SUBJECT:** Notice of Intent to Seek Franchise and Concession Review Committee Approval to Utilize a Different Procedure to Negotiate a Sole Source License Agreement with BRIC Arts | Media | Bklyn, Inc. regarding the Operation and Maintenance of a Food, Beverage, and Merchandise Concession related to the Presentation of Live Events at the Prospect Park Bandshell, Brooklyn.

**DATE:** January 3, 2018

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Pursuant to Section 1-16 of the Concession Rules of the City of New York, this is to notify the Brooklyn Borough President and Brooklyn Community Boards 6, 7, 8, 9 and 14 that the New York City Department of Parks and Recreation is seeking Franchise and Concession Review Committee ("FCRC") approval to utilize a different procedure to negotiate a Sole Source License Agreement with BRIC Arts | Media | Bklyn, Inc. regarding the operation and maintenance of a food, beverage, and merchandise concession related to the presentation of live events at the Prospect Park Bandshell, Brooklyn.

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 Philip Abramson, NYC Parks Director of Revenue Communications, by phone at (212) 360-3426 or via email at [philip.abramson@parks.nyc.gov](mailto:philip.abramson@parks.nyc.gov).

Thank you.

**CITY OF NEW YORK**

**FRANCHISE AND CONCESSION REVIEW COMMITTEE**

**(Cal. No. 3)**

**RESOLVED**, that, pursuant to Section 1-05 of the Concession Rules of the City of New York, the Franchise and Concession Review Committee (“FCRC”) hereby unanimously approves and 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 an amendment to the existing license agreement with Randall’s Island Sports Foundation, now known as Randall’s Island Park Alliance, Inc., and Island Tennis L.P. d/b/a Sportime, now known as Sportime Clubs LLC for the construction, operation, maintenance and management of a year-round tennis facility at Randall’s Island Park, Manhattan (“Licensed Premises”). Parks anticipates that, among other things, the amendment would expand the Licensed Premises to include the construction of ten (10) additional fullsize tennis courts adjacent to the current Licensed Premises and extend the term of the agreement for twenty-five (25) years from the date the expanded facility opens.

**BE IT FURTHER RESOLVED**, that Parks shall submit the amendment it proposes to enter into with the Randall’s Island Park Alliance, Inc. and Sportime Clubs LLC, to the FCRC for approval.

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

**February 14, 2018**

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

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

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

**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> Construction, operation, maintenance and management of a year-round tennis facility at Randall's Island Park, Manhattan
<b># VOTES required for                  proposed action = 6</b> <input type="checkbox"/> N/A	<b>CONCESSION IDENTIFICATION # M104-IT</b>

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

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

Different Procedure \* ( Sole Source Agreement  Other Intent to negotiate an amendment to the existing License Agreement)

Negotiated Concession\*

Recommended Concessionaire: Sportime Clubs LLC  EIN  SSN # 11-3224021  
 Attach Memo(s) \*

<p align="center"><b>CONCESSION AGREEMENT TERM</b></p> <p>Initial Term: To be negotiated                  Renewal Option(s) Term: To be negotiated</p> <p>Total Potential Term: To be negotiated</p>	<p align="center"><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. _____ % of Gross Receipts</p> <p><input checked="" type="checkbox"/> Other formula To be negotiated</p>
<p><b>LOCATION OF CONCESSION SITE(S)*</b> <input type="checkbox"/> N/A                  Address: 1 Randall's Island; New York, NY 10035                  Borough: Manhattan C.B. 11                  Block # 1819 Lot # 50                  *Attach additional sheet</p>	

**CONCESSION TYPE (Check all that apply)**

> **Significant Concession:**

NO  
 YES Basis:  
 Total potential term =>10 years  Projected annual income/value to City >\$100,000  Major Concession

> **Major Concession:**

NO  
 YES - Award will be subject to review and approval pursuant to Sections 197-c and 197-d of NYC Charter.

**NOTIFICATION REQUIREMENTS**

Subject concession will be awarded by CSB or CSP.  YES  NO

If YES, check the applicable box(es) below:

The subject concession is a Significant Concession and the Agency has/will complete its consultations with each affected CB/BP regarding the scope of the solicitation at least 30 days prior to its issuance.

The subject concession is a Significant Concession and the Agency provided notification of such determination to each affected CB/BP by inclusion of this concession in the Agency's Plan pursuant to §1-10 of the Concession Rules.

The subject concession has been determined not to be a Major Concession and the Agency has sent/will send written notification of such determination to each affected CB/BP at least 40 days prior to issuance of the solicitation.

The subject concession has been determined not to be a Major Concession and the Agency provided notification of such determination to each affected CB/BP by inclusion of this concession in the Agency's Plan pursuant to §1-10 of the Concession Rules.

If NO, check the applicable box below:

The Agency certifies that each affected CB/BP has received/will receive written notice at least 40 days in advance of the FCRC meeting at which the agency will seek approval to use a different selection procedure.

The Agency certifies that based on exigent circumstances it has requested/will request unanimous approval of

the FCRC to waive advance written notice to each affected CB/BP.

- The Agency certifies that each affected CB/BP will receive written notice that the concession was determined to be non-major along with a summary of the terms and conditions of the proposed concession upon publication of a Notice of Intent to Enter into Negotiations. The agency further certifies that it will send a copy of this notice to the members of the Committee within five days of the notice to each affected CB/BP.

**AUTHORIZED AGENCY STAFF**

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

Name Alexander Han

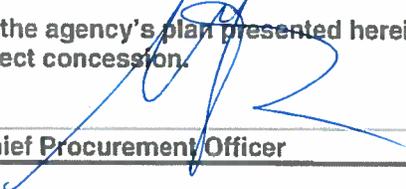
Title Director of Concessions

Signature 

Date 12/20/2017

**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 12/22/17

# CONCESSION AGREEMENT PRE-SOLICITATION REVIEW MEMORANDUM

## A. DETERMINATION TO UTILIZE OTHER THAN COMPETITIVE SEALED BIDS N/A

*Instructions: Attach copy of draft RFP or other solicitation document, and check all applicable box(es) below.*

**The Agency has determined that it is not practicable or advantageous to use Competitive Sealed Bids because:**

- Specifications cannot be made sufficiently definite and certain to permit selection based on revenue to the City alone.
- Judgment is required in evaluating competing proposals, and it is in the best interest of the City to require a balancing of revenue to the City, quality and other factors.
- The agency will be pursuing a negotiated concession for the reasons listed in section (B)(3)(b)
- Other (Describe)

The New York City Department of Parks and Recreation ("Parks") will be pursuing an amendment to its current License Agreement pursuant to Sections 1-05 and 1-16 of the Concession Rules of the City of New York ("different procedures") for the reasons listed in section (B)(2) below.

## B. DETERMINATION TO USE OTHER THAN COMPETITIVE SEALED PROPOSALS N/A

1. **Briefly summarize the terms and conditions of the concession.** *Add additional sheet(s), if necessary.*

To be determined at a later date – when/if the Franchise and Concession Review Committee ("FCRC") approves the use of a different procedure to negotiate an amendment to the License Agreement ("Agreement") between Parks, Randall's Island Sports Foundation, now known as Randall's Island Park Alliance, Inc. ("RIPA") and Island Tennis, L.P., d/b/a Sportime, now known as Sportime Clubs, LLC ("Sportime") for the construction, operation, maintenance and management of a year-round tennis facility at Randall's Island Park, Manhattan. It is anticipated that, among other things, the amendment would expand the Licensed Premises to include the construction of 10 additional fullsize tennis courts adjacent to the current Licensed Premises and extend the term of the Agreement for 25 years from the date the expanded facility opens. Parks believes that a term extension of this length is necessary in order for Sportime to move forward with its anticipated \$20 million capital investment in constructing an expanded facility, which is described more in section (B)(2) below.

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

In 2005, Parks and RIPA entered into the Agreement with Sportime for the construction, operation, maintenance and management of a year-round tennis facility at Randall's Island Park. Sportime invested \$18 million in private funds to build this 20-court facility, far exceeding their minimum capital requirement of \$7.5 million. At the conclusion of its construction, the Agreement commenced on July 1, 2009 for a 20-year term, expiring on June 30, 2029.

The Sportime Tennis Center is a state-of-the-art tennis facility where all New Yorkers are welcome to play on 10 Deco-Turf hard tennis courts and 10 Har-Tru clay tennis courts. Court reservations, group and private instructional programs, and competitive programs and tournaments are offered for adults and juniors alike. Five of the Deco-Turf hard courts are housed in a year-round permanent building, and the other 15 courts are outdoor courts, but bubbled during the winter/indoor season. Half of the facility's courts are available for use by Parks tennis permit holders during the outdoor season. The facility includes an athletic training center, locker rooms, a pro shop, a café, and classroom and meeting spaces. The Sportime Tennis Center is also the home of the John McEnroe Tennis Academy ("JMTA").

Sportime/JMTA introduces tennis to thousands of local youth from the New York City area, including those who, in many cases, would not otherwise have access to the sport. Their youth engagement and intensive outreach efforts are heavily focused on East Harlem and the South Bronx, the two neighborhoods closest to Randall's Island. For their most committed young athletes, Sportime/JMTA provides a pathway to success through competitive tennis, often leading to college scholarships, careers in the industry and, for a few, professional tennis careers.

Sportime's increasing popularity has caused the facility to operate at capacity during prime time hours. In order to best serve the diverse array of New Yorkers who benefit from its offerings and opportunities, Sportime is proposing to expand the existing facility on Randall's Island with an anticipated additional investment of \$20 million in private funds. It is anticipated that the project would include the construction of 10 additional full-size courts with six of those courts being Deco-Turf hard courts and to be housed in a new permanent indoor building. It is anticipated that the other four courts will be Har-Tru clay courts and will be outdoor courts, but bubbled during the winter/indoor season. It is anticipated that the expansion project would also include a support building, a connector structure, renovations to the existing clubhouse, relocated bleacher seating, a viewing slope, an overlook, parking, and U10 learning courts – a cluster of smaller tennis courts optimal for players under the age of 10 and for senior citizens learning to play tennis. Each of these elements is part of a comprehensive design that builds on prior designs for the tennis center and for the master plan of Randall's Island Park. These elements would help maintain the open atmosphere of the Island's publicly accessible spaces and encourage engagement with the outdoors through sports, all while creating an improved tennis facility that people of all ages and skill levels can enjoy. Further, Parks believes that soliciting competitive sealed proposals is not in the best interest of the City. The existing Sportime facility is adjacent to the proposed expansion location and customers and staff would be able to take advantage of the entire site's amenities such as locker rooms and food service. The proposed expansion location is not large enough on its own to support a full-service tennis operation, and even if it were, Parks would not want two separate tennis concessions located right next to each other. This way, Sportime would be able to take advantage of its existing support staff and tennis pros to ensure that operations at the expanded facility run efficiently.

As the site of the proposed expansion is currently Ballfield #30 on Randall's Island, it is anticipated that Sportime will fund the installation of lights at Ballfields #20 and 21, to encourage nighttime play, while making up for the hours lost at Ballfield #30. The installation of lights at Ballfields #20 and #21 must be performed according to Parks' specifications and completion of the installation will be required prior to Ballfield #30 being taken off-line for construction.

It is anticipated that this expansion proposal will result in an increase in free community programs offered to local youth. Currently, Sportime annually provides more than 2,500 hours of free group tennis programs to more than 1,000 youth primarily in East Harlem and the South Bronx. With an expanded facility, it is anticipated that Sportime would increase their free school-sponsored and Community Based Organization ("CBO")-centered tennis instruction to more than 6,000 hours per year, allowing more than 1,300 local youth the opportunity to learn tennis annually. It is anticipated that expanded free, off-site, tennis instruction would also be offered at local schools and CBOs in the communities surrounding the Island.

Additionally, in the context of the proposed expansion, it is anticipated that Sportime would fund \$1.5 million in improvements to one or more existing parks in East Harlem and the South Bronx.

Due to the extraordinary circumstances described above, it is anticipated that an amended license agreement would extend the term of the agreement for twenty-five (25) years from the date that the expanded and improved facility opens to the public. This extension is critical to Sportime's capacity to move forward with this significant anticipated additional \$20 million capital investment, which would bring their total investment on Randall's Island to more than \$38 million.

For the above reasons, and given that Sportime: has proven to be a model concessionaire; has demonstrated a clear commitment to providing world-class tennis facilities on Randall's Island; has

demonstrated a clear commitment to providing substantial and first-class free community tennis programming primarily for the youth of East Harlem and the South Bronx, and; because Sportime invested substantial capital to construct the tennis center, \$18 million, far more than the \$7.5 million required in the Agreement, with additional capital investment each year, Parks believes that it is in the best interest of the City to amend the Agreement, rather than to proceed with a competitive solicitation process.

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

Parks is requesting FCRC authorization to utilize a different procedure, pursuant to Sections 1-05 and 1-16 of the Concession Rules of the City of New York, to negotiate an amendment to the existing License Agreement, which will go before the FCRC on January 10, 2018 ("Step 1"). Once negotiated, Parks and the FCRC will hold a joint public hearing on the proposed amendment to its existing Agreement before presenting it to the FCRC for "Step 2" approval at a second public meeting.

**3b. If the selection procedure is a negotiated concession, check the applicable box:  N/A**

*The Agency made a determination that it is not practicable and/or advantageous to award a concession by competitive sealed bidding or competitive sealed proposals due to the existence of a time-sensitive situation where a concession must be awarded quickly because:*

- The Agency has an opportunity to obtain significant revenues that would be lost or substantially diminished should the agency be required to solicit the concession by competitive sealed bids or competitive sealed proposals and the diminished revenue does not relate only to the present value of the revenue because of the additional time needed to solicit competitive sealed bids or competitive sealed proposals; [Explain]
- An existing concessionaire has been terminated, has defaulted, has withdrawn from, or has repudiated a concession agreement, or has become otherwise unavailable; [Explain]
- The Agency has decided, for unanticipated reasons, not to renew an existing concession in the best interest of the City and requires a substitute/successor concessionaire. [Explain]
- DCAS is awarding a concession to an owner of property adjacent to the concession property, or to a business located on such adjacent property, and has determined that it is not in the best interest of the City to award the concession pursuant to a competitive process because of the layout or some other characteristic of the property, or because of a unique service that can be performed only by the proposed concessionaire. [Explain]

**Approved by CCPO:** \_\_\_\_\_ **on** \_\_\_/\_\_\_/\_\_\_.

4. If the Agency has/will request unanimous FCRC approval to waive advance written notice each affected CB/BP that a selection procedure other than CSB or CSP will be utilized, explain the exigent circumstances. [Explain]  N/A



NYC Parks

Mitchell J. Silver, FAICP  
Commissioner

T 212.360.1305  
F 212.360.1345

E mitchell.silver@parks.nyc.gov

City of New York  
Parks & Recreation

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

## MEMORANDUM

TO: Hon. Gale Brewer, President of the Borough of Manhattan  
Angel Mescaín, District Manager, Manhattan Community Board 11

FROM: Phil Abramson, Director of Revenue Communications *PA*

SUBJECT: Notice of intent to seek Franchise and Concession Review Committee approval to utilize a different procedure to negotiate an amendment to the License Agreement between the New York City Department of Parks and Recreation, Randall's Island Sports Foundation, now known as Randall's Island Park Alliance, Inc., and Island Tennis L.P. d/b/a Sportime, now known as Sportime Clubs LLC for the construction, operation, maintenance and management of a year-round tennis facility at Randall's Island Park, Manhattan

DATE: December 1, 2017

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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 11 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 an amendment to the license agreement between Parks, Randall's Island Park Alliance, Inc. and Sportime Clubs LLC for the construction, operation, maintenance and management of a year-round tennis facility at Randall's Island Park, Manhattan. It is anticipated that, among other things, the amendment would expand the Licensed Premises to include the construction of ten (10) additional fullsize tennis courts adjacent to the current Licensed Premises and extend the term of the agreement for twenty-five (25) years from the date the expanded facility opens.

This concession has been determined not to be a major concession as defined in Chapter 7 of the Rules of the City Planning Commission.

Please feel free to contact me at 212-360-3426 with any questions or comments you may have.