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Category: Miscellaneous

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Issue Date: 6/10/2011

Contract Number: N/A

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## Battery Park City Authority - Ice Skating Operator

### Description:

The Hugh L. Carey Battery Park City Authority (the "Authority") is seeking an experienced ice skating rink operator (the "Operator") to develop, operate and manage an outdoor seasonal ice rink facility (the "Facility") and to provide all related equipment and materials that will be required to operate the Facility. The Facility should be long-term and financially self-sustaining, designed to create the community feeling of a "town pond," in the remarkable and cosmopolitan setting of Lower Manhattan.

Skating at the rink should not be principally conceived of as a one-time or a touristic experience, but also as a beloved local amenity, used broadly by the whole residential community in Lower Manhattan, a new winter tradition for the Battery Park City neighborhood. As such, all proposals submitted in response to this RFP should provide for substantial community use and programs to benefit the surrounding community.

The Authority will provide the use of a site for the Facility pursuant to a license agreement with the successful proposer (the "License Agreement"). The potential sites are described in more detail below and in the attached Exhibits A and B. The successful proposer will be required to build the Facility and operate, insure, repair and maintain the Facility, at its own expense, for the term of the License Agreement. The Facility must be operated as a public facility, with public access and reasonable use rates. The successful proposer will also be required to provide agreed-upon public programs and benefits.

The successful proposer will be required to retain a professional engineer and registered architect licensed in the State of New York to design and to oversee the entire project through completion. The supervising engineer or architect will be responsible for ensuring that all work performed by the successful proposer conforms to the proposer's design plans, which must be approved by the Authority. In addition, the successful proposer must submit the engineer's or the architect's qualifications to the Authority for approval. All contractors retained by the successful proposer must be New York State licensed, bonded and insured.

All necessary capital work for the Site and the Facility will be done at the successful proposer's sole cost and expense. The successful proposer will be expected to consult on an ongoing

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basis with the Authority as well as designated community organizations, including the Battery Park City Ball Fields Task Force, to "fine tune" the mix of programs to be offered as part of the skating rink program in order to maintain sustainable revenues and appropriate community access.

The Designated Contact person for this RFP is Anne Fenton. Ms. Fenton can be reached at 212-417-4205. All communications regarding this RFP from the date of publication of the advertisement in the NYS Contract Reporter through approval of the License Agreement by the Authority (the "Restricted Period") must be directed to Ms. Fenton and no other person(s) at the Authority. Specifically, Proposers are restricted from making contact with Authority personnel and Board members during the Restricted Period. "Contacts" shall mean and include any oral, written, or electronic communication with the Authority under circumstances where a reasonable person would infer that the communication was intended to influence the Authority's conduct or decision regarding the procurement. Employees of the Authority are required to obtain and record certain information about contacts made during the Restricted Period, and to make a determination of responsibility based, in part, upon any such contact. Failure to abide by this process may result in a finding of non-responsibility.

In accordance with Article 15-A of the New York State Executive Law and regulations adopted pursuant thereto, the Authority has established separate goals for participation for all State contracts. The Authority is required implement the provisions of Article 15-A and 5 NYCRR Part 143 for all State contracts (1) in excess of \$25,000 for labor, services, equipment, materials or any combination for the foregoing and (2) in excess of \$100,000 for real property renovations and construction. For purposes of this procurement, the Authority hereby establishes a goal of 10% for Minority owned Businesses Enterprises (MBE) participation and 10% for Women owned Business Enterprises (WBE) participation. As a condition of this procurement, the contractor and the Authority agree to be bound by the provisions of §316 of Article 15-A of the Executive Law regarding enforcement. Contractors must document "good faith efforts" to provide meaningful participation by certified M/WBE subcontractors or suppliers in the performance of this contract. For guidance on how the Authority will determine a contractor's "good faith efforts," refer to 5 NYCRR §143.8. Additionally, proposers must refer to the Mandatory Forms Packet referred to above for a list of forms that must be provided in order to fully comply with Article 15-A of the New York State Executive Law and 5 NYCRR Part 143.

Minority Sub-Contracting Goal: 10%

Women Owned Sub-Contracting Goal: 10%

Due Date: 7/1/2011 4:00 PM

Contract Term: TBD

Location: The Facility will be located on one of the three sites, each located in Battery Park City, New York in Lower Manhattan

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