REQUEST FOR PROPOSALS FOR THE OPERATION OF FOOD CONCESSIONS
December 5, 2011
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I. OVERVIEW

Friends of the High Line (FHL) requests proposals for the operation of three (3) food establishments on the upper level of the Chelsea Market Passage and one (1) food establishment at The Porch, on the lower level of the Chelsea Market Passage. Concessionaires may submit proposals for operating a single food establishment or any combination of food establishments.

High Line and Friends of the High Line

The High Line is a public park built on an historic freight rail line elevated above the streets on Manhattan’s West Side. It is owned by the City of New York, and maintained and operated by Friends of the High Line. Founded in 1999 by community residents, Friends of the High Line fought for the High Line’s preservation and transformation at a time when the historic structure was under the threat of demolition. It is now the non-profit conservancy working with the New York City Department of Parks & Recreation (NYC Parks) to make sure the High Line is maintained as an extraordinary public space for all visitors to enjoy. In addition to overseeing maintenance, operations, and public programming for the park, FHL works to raise the essential private funds to support more than 90 percent of the park’s annual operating budget, and to advocate for the transformation of the High Line at the West Side Rail Yards, the third and final section of the historic structure, which runs between West 30th and West 34th Streets.

The High Line welcomed more than two million people in its first year alone. Nearly half of the visitors are New Yorkers. The remaining half is split between visitors from the United States and abroad. With the opening of the new section of the park in June, FHL projects the High Line will see more than three million people in 2011.

High Line Food

Before it was transformed into a public park, the High Line played a critical role in delivering food to New Yorkers, connecting the city to a nationwide network of food production and processing. Today FHL is connecting New Yorkers to the region’s sustainable farms through High Line Food, a program launched in 2011 that brings food and beverage concessions to the park that are as unique and inspiring as the High Line itself. FHL is committed to working with entrepreneurial food concessionaires whose product is innovative, sustainable, and affordable.

Food and beverage are important public amenities that enhance the High Line experience in a positive and significant way. Since the High Line opened in 2009, visitors regularly request food during their visits. Food and beverage will also be an important source of revenue to support the High Line. FHL’s Concessions Agreement with NYC Parks returns a portion of proceeds from revenue to both maintenance and operations of the High Line and to the City of New York.

FHL is looking for concessionaires who will partner with the organization to offer food and beverage that is as thoughtful, creative, and interesting as the High Line itself. The selected food concept(s) will enhance the High Line experience, while drawing from the bounty of the region’s sustainable farmers, ranchers, and purveyors. The food offerings, like the park’s plantings, should reflect seasonality. Offerings should be welcoming, interesting, and accessible, and the menu should satisfy individuals visiting the park for a moment of quiet solitude, as well as groups of...
friends and families out to socialize and engage the city. Food should have a range of prices, so that offerings are accessible and affordable.

**High Line Food Principles**

FHL has crafted critical principles for food and beverage on the High Line. Successful proposals will respond to these principles in their concept, menu, design, and operational plan. Please review the principles below, which are listed in no particular order of importance.

1. **Make it unique.**
   Food should be consistent with the High Line identity as a unique public space.

2. **Make it flexible.**
   The menu should accommodate small and large groups of visitors, and accommodate various modes of eating, i.e. walking, sitting, standing.

3. **Make it democratic.**
   The food, menu, and design should build on the welcoming and social setting of the High Line. There should be a range of price points for accessibility.

4. **Make it sustainable.**
   The menu should reflect the sourcing and seasonality of ingredients. Proposals should include variations that indicate how menu, sourcing, and ingredients will change over the course of the season. The menu should be developed with the goal of minimizing waste and packaging. FHL will look favorably on proposals that incorporate sustainability into other elements of their operations, including cleaning supplies, utilities, etc.

In addition, FHL will look favorably on proposals that:

a. Incorporate one to two workshops or programming opportunities for the general public to be developed in collaboration with FHL

b. Demonstrate a strong aesthetic compatibility with the High Line

**High Line Food Locations**

The Chelsea Market Passage is located on the High Line in a semi-enclosed space that was once a loading dock for freight trains making stops at the industrial bakery of the National Biscuit Company, or Nabisco. The building itself was converted for public use as the Chelsea Market in the 1990s. The space runs for one city block on the High Line, between West 15th and West 16th Streets, and offers a cool refuge for park visitors on warm days.

There are upper and lower levels in the Chelsea Market Passage. For the upper level, FHL is seeking up to three (3) concessionaires who can offer savory food and beverage to complement the existing concessionaires’ offerings of ice cream, popsicles, baked goods, and coffee. On the lower level, FHL is seeking one (1) concessionaire to offer food, wine, and beer at The Porch, a seasonal venue that features seating for fifty (50) and sweeping views of the Hudson River.
The Porch may be able to serve beer & wine, pending the successful renewal of FHL’s New York State Liquor Authority license. See Page 6 (#3) for more details.

See Appendix A for maps and photographs of the locations.

RFP Timeline

December 5  RFP release date

Site Visits  Site visits are optional but strongly encouraged. Concessionaires may visit the High Line on their own during park hours. Concessionaires do not need to contact FHL prior to a visit.

December 15  FHL will host an optional pre-bid meeting to provide concessionaires the opportunity to ask questions. The meeting will take place between 9:00 – 10:00 AM. The meeting is not mandatory, but RSVP is required. Please RSVP by sending an email to food@thehighline.org.

December 15  Questions must be submitted to FHL in person at the pre-bid meeting or in writing to food@thehighline.org by 5:00 PM on Thursday, December 15, 2011. No phone calls please. Answers to frequently asked questions will be posted on FHL’s Web site.

February 1  Proposals are due to FHL no later than 3:00 PM.
See Page 10 for Proposal Submission Requirements.

Interviews  FHL may conduct interviews prior to selection.

The winning applicants will be expected to begin operations on the High Line in early April, 2012.

Term
Permits for concessionaires on the upper level of the Chelsea Market Passage will be for the 2012 season only, with two one-year renewal options. Permits at The Porch will be for the 2012 and 2013 season, with a one-year renewal option for 2014. A longer term will not be considered. These concessions will be operated pursuant to a sublicense issued by FHL as permitted by FHL’s concession agreement with NYC Parks; no leasehold or other proprietary rights are offered.
II. OPERATIONAL PLAN & PARTIAL LIST OF REQUIREMENTS

Proposals should include a detailed operational plan for the entire Permitted Premises. The operational plan should include, but not be limited to:

1. Hours of Operations

The concessionaire(s) must propose their hours of operation. FHL will look favorably on proposals that operate seven days a week.

The High Line’s hours of operation vary by season.

<table>
<thead>
<tr>
<th>Period</th>
<th>Hours of Operation</th>
</tr>
</thead>
<tbody>
<tr>
<td>April 1 – June 1</td>
<td>7:00 AM – 10:00 PM</td>
</tr>
<tr>
<td>June 1 – October 1</td>
<td>7:00 AM – 11:00 PM</td>
</tr>
<tr>
<td>October 1 – December 1</td>
<td>7:00 AM – 10:00 PM</td>
</tr>
<tr>
<td>December 1 – April 1</td>
<td>7:00 AM – 7:00 PM</td>
</tr>
</tbody>
</table>

The concessionaire’s hours of operation are subject to the prior written approval from FHL and NYC Parks, and will generally require the concessionaire to close 30 minutes in advance of park closing.

Policies will allow for concessionaires to adjust their schedule in the event of inclement weather or altered visitor hours.

2. Menu

The operational plan should include a menu that demonstrates quality, sustainability, and affordability. See the aforementioned principles. Concessionaires are free to vary their menus throughout the day and season, as long as all menu items and prices have been approved by FHL and Parks.

The most successful proposals will involve minimal food preparation on the High Line.

Any and all items sold and prices are subject to FHL’s written approval. No concessionaire will be provided an exclusive right to sell a particular type of food or beverage.

3. Alcohol Sales

Wine and beer may be sold at The Porch pending renewal of the license. FHL will seek to renew its wine and beer license in 2012 and add the winning concessionaire as a partner. Alcoholic beverages may only be served and consumed in the designated area. If serving alcohol, the concessionaire must also have food for sale to comply with State Liquor Authority regulations. Proposals should indicate the concessionaire’s experience with the licensing and service of alcohol in New York City.
4. Design and Utilities

The concessionaires on the upper level will have a physical space approximately 8' wide and 13' long. The design of their food service counter should be between 8' and 13' long, and the height must be compliant with the American with Disabilities Act. The counter should be designed so that it is easily moveable, with minimal manpower, as the establishment will need to be moved on occasion for special events and venue rentals in the Chelsea Market Passage. Please see Appendix A for a reference.

The operational plan must indicate electric needs. There is limited electric supply available. Cooking is permitted on the High Line, though open flame is prohibited for public safety.

5. Operation

The operational plan should include a detailed description of the set-up, as well as a drawing of the food establishment. Each concessionaire will be required to purchase, supply, or otherwise obtain use of all equipment necessary for the operation of its concession. Each concessionaire will be required to present an operational set-up to FHL before a Permit is signed. Concessionaires are responsible for the upkeep of all aspects of operations, and must remove/replace unsafe or unsightly aspects of the operation at FHL’s request.

6. Environmental Considerations

FHL is deeply committed to respecting the environment. Therefore, the operational plan should include a detailed description of the concessionaire’s planned environmentally friendly practices. Practices may include, but are not limited to menu design, the use of energy efficient appliances, the employment of energy efficient and water conservation measures, and the use of environmentally friendly cleaning products, and waste management practices.

7. DOHMH Information

The concessionaire(s) will be required to obtain the appropriate permitting from the Department of Health & Mental Hygiene (DOHMH) before operations can begin.

The concessionaire does not need to have an existing license to apply to this RFP.

8. Concessionaire Locations

The concessionaires will be located in the upper and lower levels in the Chelsea Market Passage. Proposals must clearly state a location preference. See Appendix A for maps and photographs of the concessionaire locations.

The operational plan may be submitted for a single location, multiple locations under the same ownership, or propose as a manager of multiple concessionaires, with responsibility for all those concessionaires.
FHL reserves the right to assign a location to a concessionaire. FHL will be solely responsible for determining any changes to locations for food sales, and will provide appropriate notice to concessionaires.

9. Staff

The concessionaire(s) will be required to have a sufficient staff available at the Permitted Premises during regular operating hours to ensure proper operation and excellent customer service.

At The Porch, the operational plan must provide for staffing to monitor alcohol consumption in the designated area.

FHL reserves the right to require that all staff wear uniforms that have been approved by FHL.

10. Storage

The concessionaire’s operating materials must be stored within the food establishment and out of sight of the general public. FHL will provide a small, lockable, on-site storage container for overnight storage of valuable items or for daily back-up materials. The provided storage containers are for non-perishable goods only. No food may be kept on-site overnight.

11. Tables, Chairs and Umbrellas

FHL will supply tables and chairs for the upper level of Chelsea Market Passage. At The Porch, the concessionaire will be responsible for providing chairs, tables, and umbrellas. The design and set up of the tables, chairs, and umbrellas must be approved by FHL and will be subject to NYC Park’s approval.

12. Signage and Advertising

The operational plan must outline all proposed signage, including, where possible, images of existing or planned signage. At a minimum, each concessionaire location must have signage that identifies the concessionaire, displays the menu, and lists prices for all items being sold, as well as days and hours of operation.

The display or placement of advertising shall be prohibited. Any and all signage, and its placement, is subject to approval by FHL and NYC Parks.

13. Public Programs and Special Events

The concessionaires will be required to cooperate with FHL during programs and special events during the Permit term. FHL reserves the right to schedule a reasonable number of special events and programs at the Licensed Premises, which may require the concessionaire to close. When possible, FHL will designate an alternate space for the concessionaire’s relocation. FHL will provide the concessionaire with a minimum of 15 days notice for these events.
ADDITIONAL REQUIREMENTS DURING THE TERM

Parking & Delivery
The concessionaire will make his own accommodations for delivery and parking. No accommodations are provided by FHL.

Security Deposits
Each successful concessionaire will be required to submit a security deposit of $5,000, which will be required for the duration of the Permit term.

Insurance
The concessionaires will be required to carry insurance. See Appendix B.

Inspection
Our experience has demonstrated the importance of an inspection system for concessionaires. Concessionaires who are under consideration for the site will receive a list of expectations and a schedule of fines provided by FHL.

The concessionaire will be required to provide FHL and NYC Parks with full and free access to the premises.

Internal controls
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 FHL and NYC Parks. This revenue control system must maintain detailed sales information from each sales transaction. If the fee offer is based on a percentage of gross receipts, sales information must be recorded electronically, via a point-of-sale system, and must include, but is not limited to, details on each sales transaction, the item(s) sold, time, date of sale, and price of the item sold.

The 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.

Gross receipts
The concessionaires will be required to submit weekly statements of gross receipts from all categories of income in a format approved by FHL. No later than sixty (60) days after the end of each operating year, the concessionaires will be required to submit detailed income and expense statements for the past year’s operation. The concessionaires 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(s) against their sales.

Advertising / Promotion
With FHL’s written approval, concessionaires are permitted to promote the concession off-site through print and electronic media. The manner of such use of an entity name in combination
with the name “High Line,” “Friends of the High Line,” or the High Line logo shall be approved in advance by FHL.

Cleaning and Maintenance Schedules
The concessionaire will be required to keep all signs and structures in good condition and free of graffiti. The concessionaire will be required to provide regular cleaning and maintenance schedules, which shall be subject to FHL’s prior written approval and inspection.

Waste Removal and Recycling
A dedicated trash receptacle and recycling receptacle will be provided by FHL and be kept directly beside or behind the concessionaire’s cart. Waste and recycling produced by the concessionaire(s) will be routinely collected, stored in a central location, and removed on a daily basis. FHL will hire a commercial trash hauler on behalf of the concessionaire(s). The concessionaire(s) will be responsible for jointly covering the cost of waste and recycling removal.

Indemnification
Each concessionaire will be required to indemnify FHL, NYC Parks, and the City of New York for claims arising out of the concessionaire’s operation under the Permit, pursuant to a provision to be included in the contract.

Other Notes
All plans, schedules, menu items, prices and fees, and hours of operation are subject to prior written approval by FHL and the NYC Parks.

The concessionaire will be required to obtain any and all necessary approvals, permits, and licenses for the construction and lawful operation of this concession.

III. THE RFP PROCESS

The winning concessionaire(s) must be prepared to be fully operational by April, 2012.

Proposal Submission Instructions

Each proposal shall be typed on both sides of 8.5 x 11” paper. No proposals should be submitted in plastic sleeves or spiral binders.

Illustrations of the proposed set-up and design should be included. Oversized drawings may be submitted, but must be accompanied by 8.5 x 11” sectionals or reduction.

Please mail five (5) hard copies of your proposal, including all required attachments, and submit one (1) electronic version in PDF format by email to food@thehighline.org.

The following information should be printed on the outside of the envelope: Proposer’s Name, Address, and Email or Phone
**Proposal Submission Requirements**

Each proposal must meet the following requirements. Failure to comply may result in the automatic disqualification of a submission from further consideration at FHL’s discretion.

1. Proposals must be submitted in a sealed envelope and received in the office of:

   Melina Shannon-DiPietro, Director of High Line Food & Revenue  
   Friends of the High Line  
   529 West 20th Street, Suite 8W  
   New York, NY 10011

2. All proposals must be submitted by 3:00 PM on Wednesday, February 1, 2012. Proposals received after that time will only be received at FHL’s discretion. Hand delivery to FHL is welcome (Office hours are 10:00 AM to 6:00 PM, Monday – Friday.) Proposals and modifications received after the time and date listed above will be considered late.

3. Each proposal should include a comprehensive plan for the concession, including, but not limited to, the following:

   - **Operational Plan**  
     The concessionaire must a detailed operational plan that addresses all of the elements outlined in the “operational plan” section of the RFP.

   - **Fee Offer**  
     Each proposal must include a fee offer. The fee offer should state the highest sum each proposer is prepared to pay as a license fee, expressed as either a) a guaranteed annual minimum fee versus a percentage of gross receipts, whichever is greater, or b) a guaranteed annual flat fee. If the fee offer includes a minimum fee versus a percentage of gross receipts, the concessionaire will be required to record all sales information electronically, via a point-of-sale system. These sales records must include details on each sales transaction, including the item(s) sold, time, date of sale and price of the item sold.

     All proposals should include a comprehensive pro-forma.

   - **Operating Experience**  
     Each proposal must include a resume and/or detailed description of the concessionaire’s professional qualifications, demonstrating extensive experience in the industry, including any work which highlights the concessionaire’s experience with the type of menu proposed, and the level of customer service and operation required to meet the needs of FHL. Include the names and addresses of all corporate officers of the entity submitting the proposal.
o Proposed Set Up & Design

As outlined in the operational plan section of this RFP, each concessionaire must provide a written and a visual (photograph, drawing, concept board, etc.) description of his or her proposed set up. Concessionaires must submit designs of the food establishment, including signage, display, packaging, etc. All final designs of the winning concessionaires must receive prior written approval from FHL.

o References

Each concessionaire must include at least two (2) recent relevant references, with whom the concessionaire has previously worked and/or who can describe such matters as the concessionaire’s capability to operate the proposed operation. Include the name of the reference entity, a description of the nature of the listed reference’s experience with the concessionaire, and the name, title, address, and telephone number of the reference.

4. Proposal Deposit

All concessionaires are required to submit, as a proposal deposit, a certified bank check, official bank check, or cashier’s check in the amount of $1,000 with the proposal (payable to Friends of the High Line). Personal or Business checks will not be accepted. In the event of the failure of a successful concessionaire to execute a concession agreement in accordance with the terms of this proposal, the deposit shall be retained by FHL. Proposal deposits will be returned to unsuccessful proposers after the concession agreement is signed with the successful proposer.

Evaluation and Selection Procedures

The concession(s) will be awarded to the finalist whose proposal, planned operations, and menu best fits the High Line. Finalists in the process will be required to provide a sampling of their menu to the selection committee.

Proposals will be evaluated based on the criteria below:

- Fee offer
- Operating experience in the field
- Proposed food & menu concept, with an emphasis on:
  - food concept and quality, and fit with the High Line experience
  - menu, including quality and affordability in pricing
  - sustainability
- Proposed design & display concept, with an emphasis on:
  - appropriateness to the High Line experience
  - strong design values
  - willingness to collaborate with FHL on design elements
- Commitment to partner closely with FHL on an ongoing basis
FHL will only consider proposals that meet satisfactory levels of the above criteria. FHL is not required to accept the proposal that includes the highest fee offer.

NOTE: The acceptance of a proposal does not imply that every element of that proposal is acceptable, and FHL will actively work with the selected partner(s) to finalize all elements of the proposals.

IV. OTHER GENERAL RFP REQUIREMENTS AND CONDITIONS

FHL reserves the right to postpone or cancel this RFP or reject all proposals, if, in its judgment, they deem it to be in the best interest of FHL to do so.

Concessionaires may withdraw their proposals from consideration at any time before the proposal submission deadline by submitting written notice to FHL.

FHL reserves the right to award more than one concession at each location. Additionally, FHL and NYC Parks reserve the right to award concessions at additional locations on the High Line. Nothing in this RFP shall be deemed to give any party an exclusive right to operate concessions in the park.

Concessionaires are advised that FHL has the option of selecting the concessionaire without conducting discussions or negotiations. Therefore, concessionaires should submit their best proposals initially, since discussions or negotiations may not take place.

All RFP submissions and materials become property of FHL.
APPENDIX: LOCATIONS AND INSURANCE
Appendix A: Locations

Chelsea Market Passage
FHL seeks proposals for three (3) food establishments on the upper level of the Chelsea Market Passage, which is located on the High Line between West 15th and West 16th Streets. The space for each concessionaire is approximately 8’ x 16’. NOTE: Three of the identified establishments in the diagram below are already under contract with FHL.
The Porch
FHL seeks proposals for one (1) food establishment (with seating capacity for 50) on the lower level of the Chelsea Market Passage, which is located on the High Line between West 15th and West 16th Streets.
**Appendix B: Insurance**

The concessionaires will be required to carry the following minimum levels of insurance.

For mobile food units or kiosks:

<table>
<thead>
<tr>
<th>Insurance Type</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Workmen’s Compensation Insurance</td>
<td>Per Statute</td>
</tr>
<tr>
<td>Employer’s Liability for any one occurrence not less than</td>
<td>$1,000,000.00</td>
</tr>
<tr>
<td>Comprehensive General Liability Insurance (with Broad Form Property Damage,</td>
<td></td>
</tr>
<tr>
<td>Products/Completed Operations Liability, Contractual Liability, Independent</td>
<td></td>
</tr>
<tr>
<td>Contractors, Fire/ Legal Liability, Property Insurance Endorsements):</td>
<td></td>
</tr>
<tr>
<td>For any one occurrence not less than</td>
<td>$500,000.00</td>
</tr>
<tr>
<td>Aggregate cap per mobile food unit or kiosk:</td>
<td>$500,000.00</td>
</tr>
<tr>
<td>Property Insurance for any one occurrence not less than</td>
<td>$500,000.00</td>
</tr>
<tr>
<td>Aggregate cap per mobile food unit or kiosk:</td>
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<tr>
<td>Liquor Liability (if applicable):</td>
<td>$2,000,000.00</td>
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</table>