



**TOWN of GREENBURGH**  
DEPARTMENT OF PARKS AND RECREATION  
Olympic Lane, Ardsley, New York 10502  
(914)693-8985 – FAX (914)693-8938



## **REQUEST FOR PROPOSALS**

FOR THE DEVELOPMENT, OPERATION,  
MAINTENANCE, MANAGEMENT AND  
LICENSE OF  
A BUBBLED TENNIS FACILITY  
AT EAST RUMBROOK PARK  
GREENBURGH, NEW YORK

Issue Date  
**June 1, 2016**  
Amended  
June 29, 2016

# **REQUEST FOR PROPOSALS**

## **FOR THE DEVELOPMENT, OPERATION, MAINTENANCE, MANAGEMENT AND LICENSE OF A BUBBLED TENNIS FACILITY AT EAST RUMBROOK PARK**

The Town of Greenburgh Department of Parks and Recreation (“Parks”) requests proposals for the development, operation, maintenance, management and license of a temporary structure (tennis bubble) for two (2) indoor tennis courts at East Rumbrook Park, East Rumbrook Park Road, Hartsdale, NY, just off of Dobbs Ferry Road, next to the Sprain Brook Parkway. The bubbled tennis courts shall be in the boundaries of the licensed area described in the attachment labeled Preliminary License Agreement Map Prepared for the Town of Greenburgh (exhibit A). Currently at the site there are two lighted tennis courts in the park. Parks is seeking to enter into a license agreement to construct, operate, maintain and manage a temporary bubbled facility from October 1 through May 1. Parks is seeking proposals from applicants who can demonstrate experience in the operation of an indoor tennis facility to operate this facility at the highest standards under a fifteen (15) year or less license agreement. In addition, Parks will look favorably upon proposals that incorporate community programming, youth outreach and programs for people with disabilities.

### **Proposal Contacts**

The Parks contacts for this project are Janet Lefkowitz, Tennis Director and Gerard J. Byrne, Commissioner of Parks and Recreation. All questions with regard to this Request for Proposals (“RFP”) or other project inquiries should be directed to their attention at (914) 693-8985 ext. 108 or 112. They may also be reached by fax at (914) 693-8938 or by e-mail at [heroJL1@aol.com](mailto:heroJL1@aol.com) or [gbyrne@greenburghny.com](mailto:gbyrne@greenburghny.com).

### **Request for Proposals Timetable**

The following schedule has been established for this Request for Proposals. This schedule is subject to change as circumstances warrant.

**RFP Release Date: June 1, 2016 (amended June 29, 2016)**

**Proposals Due: Thursday, July 14, 2016 @ 3:00 PM**



Note: If you have a disability which would prevent you from delivering your proposal to Greenburgh Parks and Recreation and/or attending the proposer meeting & site tour, please contact one of the proposal contacts at least 48 hours prior to the due date and/or meeting date so that special arrangements can be made to accommodate you.

### **PROJECT DESCRIPTION**

Parks seeks to license a bubbled tennis facility on the East Rumbrook Park tennis courts, which will be designed, built, maintained and operated to the highest standards. There are two (2) lighted tennis courts on site. The selected licensee will be required to develop a bubbled tennis facility to state-of-the-art standards for use in the indoor season.

Parks is seeking a licensee to:

- Bubble tennis courts; applicant is restricted to using the existing two courts and is to provide drainage and other infrastructure improvements around the proposed indoor tennis courts.
- Operate, maintain, manage and license the indoor tennis facility each year from October 1 to May 1, including supplying all machinery, property, equipment, maintenance supplies, and staff.
- Cover all expenses for any utility study and any utility improvements needed for this project and its eventual usage.
- Provide access for youth programming and tennis for people with disabilities.
- Provide a timetable for development and completion of the proposed facility.
- Provide a fifteen-year projection of income and expense, unless proposing a shorter term license. This should include a balance sheet, profit and loss statement, cash flow statement and statement of assumptions.

The aim of Parks is to provide a temporary structure from October to May for indoor tennis. Preference will be given to applicants who can demonstrate an ability to construct, operate, maintain and manage an indoor tennis facility. The successful applicant will be required to provide a construction security deposit, in an amount and format approved by Parks, upon signing the license agreement, to ensure that capital work will be completed. All capital work should be completed in such a manner as to create a minimum amount of interference with tennis court availability to the public.

The licensee may be permitted to store the bubble/s on-site during the outdoor season, subject to Parks' approval of the location of such storage. It should be understood that all startup and close down activities including, but not limited to, the assembly and disassembly of the bubble and ancillary equipment, must be undertaken by the licensee no sooner, and completed no later than the dates stated above, which define the indoor tennis season. During the indoor tennis season, the licensee will be responsible for all necessary improvements to the courts and for all repairs and maintenance to the licensed premises.

The licensee will also be responsible for cleaning the entire area surrounding the tennis courts and removing all trash and rubbish generated by the facility and storing at the appropriate on site receptacles. Therefore, applicants are to include a detailed maintenance and cleaning schedule in their proposals.

The sale or display or placement of tobacco advertising and/or advertising of alcoholic beverages shall be prohibited. Any type of advertising which is false or misleading, which promotes unlawful or illegal goods, services or activities, or which is otherwise unlawful, obscene or inappropriate as determined by Parks, including, but not limited to, advertising that constitutes the public display of offensive sexual material shall also be prohibited. Any such prohibited material displayed or placed shall be immediately removed by the licensee upon notice from Parks.

## **THE TERM**

The term for this concession will be FIFTEEN (15) YEARS or less. This concession will be operated pursuant to a license agreement.

## **CAPITAL IMPROVEMENTS**

Parks anticipates a substantial investment from the applicant. Parks anticipates that the investment for this tennis concession will include, but not be limited to, the following:

The licensee must pay for any and all improvements. Applicant should note that Parks will weigh capital investment and design heavily in its evaluation process. In their submissions, applicants must describe all intended capital work and provide cost estimates, preliminary drawings, and a timetable for proposed capital work.

## **Tennis Rates**

All fee increases are subject to Parks' approval. The proposal should include a schedule of rates to be charged for hourly court times. The schedule should indicate what discount will be offered to residents of the unincorporated area of Greenburgh. The licensee will be allowed, and even encouraged to charge lower fees and/or to offer seasonal rates, special rates for walk-ins when courts are available, lower rates for senior citizens/youths, free court time to program members, etc. as it sees fit. Parks must approve all fees, prices, and hours of operation.

## **Requirements During The Term of The License**

1. The successful applicant will be responsible for obtaining any and all necessary approvals, permits and license, for the construction and lawful operation of this concession.
2. A security deposit of *at least* 25% of the highest year's guaranteed minimum license fee will be required for the duration of the term. This security deposit will be due upon signing of an agreement.
3. The licensee will be required to carry at least \$3,000,000 in general liability insurance coverage and \$1,000,000 in property damage liability insurance coverage, and replacement value in fire and casualty coverage. **The Town of Greenburgh** shall be named as **Additional Insured** and may require the general liability coverage to increase, based on inflation, in future years.
4. The licensee will be obligated to supply all equipment necessary for the operation of this concession. All fixed equipment becomes the property of Parks upon installation, at Parks' option. Should Park choose not to exercise this option, it will be the responsibility of the licensee to remove fixed equipment and return the licensed premises to Parks in a condition as good as or better than that at the commencement of the license term.
5. The licensee will be responsible for any and all utility costs connected with the operation of this concession during the term of license. The licensee will be responsible for installing and/or upgrading all necessary utilities, service lines, conduits, water meters, pipes, electric cables, fiber optics etc. The licensee will be required to remove any unsuitable existing materials as required. The licensee will be responsible for removal and disposal of any unacceptable subsurface waste materials, if encountered during the progress of the work.
6. The licensee may not cut down or remove any trees or shrubs on the permitted premises without prior written approval from Parks. Any attachments to the trees, such as lights, will not be permitted.
7. The licensee will be required to submit monthly statements of gross receipts from all categories of income in a format approved by Parks. At the end of each operating year, the licensee will be required to submit a detailed audited income and expense statement for the past year's operation.
8. All fees, prices, and any subsequent increases must be approved in advance by Parks. Hours and days of operation must also be approved in advance by Parks.

9. The licensee at its sole cost and expense and to the satisfaction of the Commissioner, must put, keep, repair and preserve in good order the Licensed Premises.
10. The Town will dispose all rubbish generated by this license. The licensee will be responsible for cleaning the licensed premises and the area within fifty (50) feet of the licensed premises. The licensee must provide garbage cans approved by Parks and have these cans emptied on a daily basis. The licensee must comply with all Town regulations regarding recycling. The licensee must keep all signs and structures free of graffiti.
11. The licensee will be responsible for maintaining total security within the facility and the immediate surrounding area.
12. The licensee must cooperate with Parks during special events or other unanticipated eventualities.
13. The licensee will comply with all Town, State and Federal laws relating to access for persons with disabilities.
14. The selling and/or advertisement of cigarettes, cigars, or any other tobacco products is strictly prohibited. It is the licensee's responsibility to adhere to and enforce this policy.
15. The licensee must retain a professional engineer or registered architect for design and filings of proposed capital work and to oversee the entire construction project. They must be a licensed and registered as an engineer or architect by the State of New York and the firm they represent must have a certificate from the NYS Education Department permitting it to perform professional services. Design documents, reports, permit applications etc. should therefore contain the professional stamp and seal. This supervising architect or engineer will be required to ensure that all construction conforms to the plans, as approved by the Town Engineering Division. Applicant shall submit these Engineer or Architect's qualifications to Parks/Engineering for approval. The supervising Engineer or Architect will ensure that all construction conforms to the plans approved by the Town Engineering Division. Professional services should include producing any required reports, land surveys, site investigations, and permit applications and approvals required by any regulatory authority. Scope of work should also include submittals for design review, and construction estimates, at 30%, 60%, 90% and 100% design completion. Professional services should also include construction supervision.
16. The successful applicant will provide Parks with all plans and specifications upon completion of the construction documents. The plans should be in ink on mylar paper. All project design documents and reports should be submitted additionally in electronic format, such as autocad etc., for archiving.
17. The licensee will pay all taxes applicable to the operation of the license.
18. The licensee must comply with all terms of its license agreements. Inspectors from Parks and the Town will visit the concession site unannounced to inspect operations and determine whether or not the licensee is in compliance with the terms of the license. If inspectors find violations, the licensee may be fined for each violation.

## The Request for Proposals Process/Proposal Procedure

### A. Proposal Submission Instructions

All proposals **must** meet the requirements listed below in the *Proposal Submission Requirements* section, and should comply with the guidelines listed in the *Proposal Submission Guidelines* section.

**Please submit 3 (3) COPIES of your proposal submission and PDF format.** Proposals should be printed or typed on 8 ½" x 11" paper. There is no page limit for proposals, but applicants are encouraged to use discretion in the amount of information they submit. The proposal, the proposal deposit, and any additional information should be submitted in a sealed envelope with the following information written on the outside:

- Your name and address
- Bubbled Tennis Facility, East Rumbrook Park
- Return Date: Thursday, July 14, 2016 @ 3:00 PM

No proposals should be submitted in plastic sleeves or spiral binders. Illustrations may be included. All plans are subject to Parks' approval. Oversized drawings may be submitted, but must be accompanied by 8 ½ " x 11" sectionals or reductions to 8 ½" x 11". No telegraphic or facsimile proposals will be accepted.

### B. 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.

1. Proposers must submit a proposal that includes a fee offer.
2. All proposals must be submitted to Judith Beville, Town Clerk, Town of Greenburgh 177 Hillside Avenue, White Plains, NY **no later than 3:00 p.m. on Thursday July 14, 2016.** All proposals must be submitted in sealed envelopes. Proposals received after the time and date listed above will be returned to the applicant unopened and will not be considered for award. Proposers will be solely responsible for ensuring that their proposals are delivered to the Town Clerk prior to the above mentioned time and date. There will be no exceptions.

### C. Proposal Submission Guidelines

1. The fee offer should state the highest sum applicant is prepared to pay as a license fee, expressed as guaranteed minimum fee for each year of the license term versus a percentage of gross receipts, whichever is greater. The Town strongly urges that there be an escalation of at least three percent (3%) per year (compounded annually) in the guaranteed minimum fee over the lease term.
2. Applicant should submit a resume or detailed description of relevant professional qualifications, demonstrating extensive experience in the industry, 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.

3. Applicants should include a detailed, well thought-out 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. The pro-forma should also be explicit with respect to the income and revenue implications of youth scholarship programs and/or other community programming.
4. Applicants should include an audited financial statements for the last two fiscal years prepared in accordance with standard accounting procedures.
5. Applicants should submit drawings showing the proposed layout and appearance of the facility and the leased site.
6. Parks is charged with improving customer satisfaction with the services provided at facilities on parkland. Therefore, Parks would like applicants to explain in their submissions the mechanisms they would use to measure customer satisfaction with the services offered by the license at the premises. Such mechanisms might include customer evaluations or survey forms. Further, Parks would like applicants to explain how they would improve the quality of services offered if the above mechanisms indicate a need to do so.

#### **D. Evaluation and Selection Procedures**

Proposals will be evaluated by a selection committee, based on the criteria listed below. The Town Board grants final approval for awarding the license agreement. The selection committee and the Greenburgh Department of Parks and Recreation Advisory Board will be making recommendations to the Town Board.

##### 1. Proposal Evaluation Criteria

In evaluating proposals, Parks & Recreation will use the following criteria:

- Fee offer and discounts to residents.
- Capital Improvements: designs submitted, proposed capital investment, and the ability to proceed in an expedited manner.
- Operating experience in the field and experience operating an indoor and/or outdoor tennis facility or other recreational facility.
- Customer Service.
- Financial capability.

##### 2. Evaluation Procedures

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

Parks 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 Parks and the Town of Greenburgh will visit other facilities operated by applicants.

### **E. Other General RFP Requirements and Conditions**

Parks 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 Town of Greenburgh to do so.

Applicants are advised that Parks has the option of selecting the applicant without conducting negotiations. Therefore, applicants should submit their best proposals initially, since negotiations may not take place.

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

Proposers should be aware that the licensed premises will be developed and operated pursuant to a license agreement issued by the Town of Greenburgh. In the event this agreement is terminated, Parks will not consider proposals for reimbursement of licensee's unamortized capital improvement costs as of the date of termination.

An applicant may submit a modified proposal to replace all or any portion of a proposal submitted up until the proposal submission deadline. The Parks and Recreation Project contacts will only consider the latest version of the proposal. Late proposals and late modifications will not be considered for evaluation. Applicants may withdraw their proposals from consideration at any time before the proposal deadline. To withdraw a proposal, the applicant must provide Parks with written notification.

### **New York State Freedom of Information Law**

All Requests for Proposals submission materials become the property of the Town of Greenburgh. 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.

The Town of Greenburgh is subject to the New York State Freedom of Information Law, which governs the process for the public disclosure of certain records maintained by Parks. Individuals or firms that submit proposals to Parks may request that Parks 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 should be in writing and state, in detail, the specific reasons for the requested exception. It should also specify the proposal or portions thereof for which the exception is requested. If Parks grants the request for exception from disclosure, Parks shall keep such proposal or portions thereof in secure facilities.