

# EXHIBIT C

**PX-3290**

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**City of New York  
Parks & Recreation**

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**REQUEST FOR OFFERS**

**FOR THE OPERATION AND MAINTENANCE OF AN 18-HOLE JACK NICKLAUS SIGNATURE GOLF COURSE,  
DRIVING RANGE AND ANCILLARY FACILITIES AT FERRY POINT PARK, THE BRONX**

**Concession ID# X126-GC  
February 19, 2010**

The City of New York (City) acting by and through its Department of Parks & Recreation (Parks) requests offers to negotiate a concession agreement for the operation and maintenance of an 18-hole Jack Nicklaus Signature golf course, driving range, and ancillary facilities, including a maintenance building, parking lot, storm shelters, submerged pump house, comfort station, and a snack bar/food service facility ancillary to the golf uses, at Ferry Point Park in the Bronx (the "Site"). Offers may, at the discretion of the offeror, also include the design, construction, operation and maintenance of a temporary and/or permanent clubhouse at the Site, which, if proposed, must include a food service facility as well as a pro shop.

The exact length of the term of the concession will be determined during negotiations. At this time, the City anticipates a term of not more than ten (10) years. However, Parks invites comments concerning any longer term that may be warranted by any particular type of operational plan. This concession will be operated pursuant to a license issued by Parks; no leasehold or other proprietary right will be offered, but Parks invites comments as to suitable provisions in a potential concession agreement to ensure the feasibility of such a license operation.

**Goals of the Request for Offers**

This Request for Offers ("RFO") is being issued to identify one or more entities ("Responders") interested in negotiating a license agreement with Parks for the operation and maintenance of this concession. Parks is seeking innovative offers from entities that can demonstrate substantial experience in the operation of golf courses and management of large scale events and sufficient financial capability to operate and maintain this concession at the highest level. It is the City's priority to maximize the course's potential as a venue for tournament events sponsored by the Professional Golfers Association (PGA) and similar organizations. Except as specifically stated in this document, Parks has no fixed concept as yet for the elements or structure of the eventual concession agreement that it may negotiate, and invites Responders to comment on the types of provisions they deem essential to such an agreement. Due to the complexities of this Site, including its not-yet developed facilities and market, Parks is open to pursuing a variety of avenues of management and investment that best reflect the expertise and resources of the Responder. Parks will enter into negotiations with those entities which in Parks judgment offer the most attractive

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options for the operation and maintenance of the Site. Although this RFO is being issued to identify one or more entities or joint ventures interested in negotiating a license agreement with Parks for the operation and maintenance of this concession, Parks will ultimately make a single award for the concession.

### Content of Offers

Offers may be submitted in a letter format and need not go into great detail about all aspects of the operation and maintenance of the Site; however, each Offer should give a basic overview of the Responder's:

1. Planned operations, including plans to accommodate the grow-in period for the golf course and the various maintenance requirements at the Site. Responders should note that Parks is willing to consider greens fees for the golf course that are higher than those charged at New York City's other public golf courses and that are similar to the greens fees charged at other high-end public daily fee courses.
2. Operating experience, including resume(s) and/or a description of the Responder's professional qualifications, demonstrating extensive experience in the golf, food service, sports and large scale event industries, and a list of recent, relevant references.
3. Investment and designs, including a general description of any improvements they intend to perform at the Site, a basic design for the layout of the Site, and whether they intend to construct some kind of temporary and/or permanent clubhouse at the Site, noting (at the Responder's option) any specific terms that it would seek to incorporate into the concession agreement to facilitate its investment in such improvements.
4. Compensation to the City, which may include a traditional fee offer and/or alternative forms of compensation, such as a reinvestment of income generated by the concession into programming, capital improvements, or other areas beneficial to the City.
5. Financial Capability, including financial statements and other supporting documentation of the Responder's financial worth.

At minimum, all Offers must include the following:

- The maintenance and operation of an 18-hole Jack Nicklaus Signature golf course, driving range, and ancillary facilities, including the maintenance building, parking lot, storm shelters, comfort station, submerged pump-house, landscaping, irrigation and fertigation system, drainage system, retention pond, and a snack bar/food service facility ancillary to the golf uses.
- The oversight of the grow-in period for the golf course.

Offers, at the Responder's option, may also include the following:

- The design, construction, operation and maintenance of a temporary and/or permanent clubhouse, which, if proposed, must include a permanent or temporary food service facility, such as a snack bar, café, restaurant, or banquet facility, as well as a pro shop, locker rooms, and restrooms.
- Alternative recreation and sports related uses for the Site.

- Naming rights and sponsorships.

### The Site

Beginning in 2009, the City commenced construction of a Jack Nicklaus Signature golf course at the site. The capital construction project is entirely City-funded and is managed under a City contract with Sanford Golf Design. The course will be capable of hosting major events/tournaments and has the potential to become the only premium golf course within relatively close driving distance for millions of potential customers in the area. The closest premium golf courses in the region are located in northern New Jersey, Rockland County, North Hempstead, Long Island, Westchester and Fairfield, Connecticut.

Ferry Point Park represents one of the largest pieces (222 acres) of previously undeveloped parkland in New York City, and one of the greatest opportunities for augmenting the City's recreational resources. The proposed concession Site, formerly a municipal landfill that was closed in 1963, is situated in the Borough of the Bronx, Tax Map Block 5622 Lot 1 and Block 5583 Lot 100 (Community Board #10). The Site is on the eastern portion of the park and totals approximately 188.8 acres. It is bounded by Westchester Creek, the East River, Schley Avenue, Emerson Avenue and abuts the Whitestone Bridge.

The Site commands a breathtaking view of the East River, Manhattan skyline, and of the Whitestone and Throgs Neck Bridges that run between Queens and the Bronx, and the site is readily accessible via ground transportation from much of the metro area. Within one mile of the Ferry Point Park Site is a major intersection of highways, including the Cross Bronx Expressway (I-95), Hutchinson River Parkway (I-678), Overview Expressway and the Bruckner Expressway. The park is situated at the northern base of the Whitestone Bridge, and is accessible directly via the service road of the Hutchinson River Parkway. It is also near the Throgs Neck Bridge (I-295) which, similar to the Whitestone Bridge, connects the Bronx to Queens, Brooklyn and Long Island. Due to its prominent location on the East River, which separates the boroughs of Manhattan, Queens and The Bronx, the golf course is highly visible from the Whitestone Bridge and the approaches to both La Guardia and John F. Kennedy International Airports. All of these factors will likely make the Ferry Point Park Golf Course a major attraction for tournaments and outings.

In addition to building an 18-hole Jack Nicklaus Signature golf course, the City is also constructing at the Site a lighted driving range, a 12,000 square foot maintenance building, a parking lot with approximately 200 spaces, a comfort station and snack bar/refreshment stand, a submerged pump house, a 3.75 acre retention pond, and two (2) storm shelters. Additionally, a state of the art irrigation and fertigation system will be provided along with a comprehensive course drainage system. The City is also constructing a new 19.5 acre waterfront park along the East River adjacent to the golf course property at the southeastern end and is renovating a 10-acre community park on the eastern end of the course along Balcom Avenue.

To date, the City has also expended over \$12 million for environmental remediation, including a comprehensive environmental compliance program and construction of a 1.5-mile long passive methane-venting trench. Due to variations in course topography, fill depth ranges from approximately three (3) feet to over thirty (30) feet. In addition to the shaping layer coverage, the course will have approximately twelve (12) inches of topsoil coverage. The site is subject to a "Part 360" permit from the New York State Department of Environmental Conservation (DEC); Parks invites comments from Responders concerning the impact of the environmental compliance program on the operations of the concession.

The City has contracted with Sanford Golf Design to manage the design and construction of the 18-hole links-style Jack Nicklaus Signature golf course at the Site, and in September 2009, the contract for the

construction of the golf course was awarded to Laws Construction Corp. The construction of the golf course, except for the grow-in, is expected to be completed by Fall 2011.

The following is a brief overview of various Site components:

- 18-hole Jack Nicklaus Signature Golf Course: The course will be links style and a total of 7,158 yards long from the black tee. A grow in period will be necessary for the golf course once construction is completed.
- Location for a temporary and/or permanent clubhouse: Parks has designated an area adjacent to the parking lot for a possible temporary and/or permanent clubhouse, and water, sewer and gas lines and an electrical conduit are being supplied to that location.
- Driving range: The driving range will be lighted for after dark play and will accommodate up to 27 users at 10' spacing.
- Maintenance building: Situated on the northwestern edge of the property, the maintenance building will be approximately 12,000 square feet. The maintenance yard will include a 1,000 gallon above ground fuel tank.
- Parking lot: The parking lot will have approximately 200 spaces and will include lighting. There is room to construct an additional 50 spaces immediately adjacent to the lot, if necessary.
- Comfort Station & snack bar/refreshment stand: The comfort station, located between the 14<sup>th</sup> and 15<sup>th</sup> holes, will be approximately 715 total square feet and includes 147 square feet of room for a snack bar/refreshment stand. Water, sewer, and electrical lines are being supplied to the building.
- Landscaping: The City will provide for the landscaping of the golf course and parking area it constructs.
- Submerged pump house: The submerged pump house will be located adjacent to maintenance building.
- Storm shelters: The storm shelters will be located at the Comfort Station and between the 2<sup>nd</sup> and 7<sup>th</sup> holes.
- Drainage system: The city is providing a comprehensive drainage system for the golf course, which is designed so that a percentage of runoff water is collected in a retention pond at the Site (see below).
- Irrigation system and retention pond: The golf course, which in consideration of environmental and ecological design objectives incorporates the use of native drought-tolerant grass species, will be less reliant on irrigation than the average golf course. It is anticipated that the sustainable design will require approximately one-fourth (1/4<sup>th</sup>) the average water needs of the average golf course. The course irrigation design includes a 3.75 acre retention pond, which collects runoff water from approximately 20% of the Site. The pond has an average depth of eight (8) feet (three (3) feet around the edge and twelve (12) feet at its deepest) and should be able to provide a ten (10) day supply of water for the course, if necessary. The system is fed through a connection to the City's water supply. Parks invites comments from Responders concerning the creation of additional irrigation sources and other innovative means for water conservation which reduce the golf course's dependency on the

City's water supply, as well as comments on how the water supply issues affect potential offers for this concession. The irrigation needs of the Site are as follows:

- o Greens (102,772 sq/ft): Forty-five (45) days of grow-in, approximately one-fourth (1/4) to one-half (1/2) inch per day depending on conditions. Next forty-five (45) days, reduce by one-half (1/2).
- o Tees (227,704 sq/ft): Same as greens
- o Fairways (44.71 acres): Forty-five 45 days of grow-in, approximately one-eighth (1/8) to one-fourth (1/4) inch per day depending on conditions. Next forty-five (45) days, reduce by one-half (1/2).
- o Rough (54.98 acres): Similar to fairways
- o Native Areas (56.09 acres): Similar to rough

Additional Notes on the Irrigation Needs of the Site

- If twenty (20) acres of sod is utilized, the first seven to ten days will require one-fourth (1/4) to one-half (1/2) inch of water per day, and afterward, the needs will be similar to the needs of the rough.
- Weather conditions, time of year and run-off could change the amount of irrigation needed
- Based on the size and type course, after grow-in, normal watering during the longest and warmest days (approximately one-hundred (100)), the average need for the course is two-hundred-fifty-thousand (250,000) to four-hundred-thousand (400,000) gallons of water per day. During other times, water as needed.
- Irrigation is not an exact science and the above numbers should be used only as a water consumption estimate.
- The rate of \$5.98 per 748 gallons of water that the New York City Department of Environmental Protection charged increased by 12% on July 1, 2009.

Available Ancillary Documents

To help Responders develop their offers, the following documents pertaining to the Site are available at <http://nycgovparks.org/concessions/fpp/> and may also be obtained by contacting Joel Metlen, Deputy Director of Concessions, at (212) 360-3483 or at [joel.metlen@parks.nyc.gov](mailto:joel.metlen@parks.nyc.gov):

- 1) Approved Design and Construction Plans for the golf course
- 2) The City Planning Commission's Uniform Land Use Review Procedure (ULURP) determination
- 3) The Environmental Assessment Statement
- 4) The DEC Part 360 Permit
- 5) The Nicklaus Design Course Maintenance Standards
- 6) A Ferry Point Park Aerial Survey
- 7) The Golf Course Buildings Planting Plan

**PLEASE NOTE:** Parks requires that any resulting concession will be consistent with the prior ULURP determination for this project and will not otherwise require additional ULURP review.

**Due Date for Offers & Selection Process**

All Offers should be submitted in sealed envelopes and must be sent to the office of the Assistant Commissioner for Revenue, City of New York Parks & Recreation, The Arsenal-Central Park, 830 Fifth Avenue, Room 407, New York, New York 10065. All Offers must be received at that location by **Tuesday, March 30, 2010 at 3:00pm**. Responders should endeavor to be timely with their submissions; late offers can only be accepted in the discretion of Parks, and only if the timely offers have not yet been opened. Where a determination is made to accept a late offer, any other late offer received before timely offers have been opened shall be similarly accepted.

Once offers are received, a selection committee of at least three (3) people and composed of Parks and other City employees and, possibly, independent (non-government employed) professionals with relevant expertise will determine a short-list of offers that have sufficient technical merit to warrant negotiations toward a potential concession. At this stage of the evaluation, the committee will not score offers in detail. Offers will be scored on a 1 to 5 basis, first on the quality of their proposed operations (including the experience they demonstrate in such operations), and second on the quality of their financial offers, both with respect to potential fees and revenues, and capital or in-kind investments in the facility, taking into account their demonstrated financial capabilities. These two rankings will be combined, with the ranking for proposed operations weighted at 70% and the ranking for financial offers at 30%. Parks may contact Responders for clarifications and/or oral presentations at this stage, but responders should assume that this stage of the evaluation may be completed based on the written responses alone. The selection committee will determine the short-list for negotiations from those combined rankings.

Parks will commence negotiations with each short-listed Responder to develop the exact terms and conditions of their respective concession offers. Parks may further narrow consideration of potential concessionaires through oral presentations and/or a Best and Final Offer (BAFO) process. Once the ensuing negotiations are completed, the selection committee will evaluate the resulting concession offers and will select for award the entity that proposes the best overall terms and conditions based on the following criteria:

- Planned Operations (30%)
- Operating Experience (30%)
- Investment & Designs (15%)
- Compensation to the City (15%)
- Financial Capability (10%)

Parks will only consider offers that meet satisfactory levels of the above criteria. The City is not required to accept the highest fee offer. Parks' acceptance of an offer and/or commencement of negotiations does not imply that every element of that offer is acceptable to the City. If feasible, City employees will visit facilities operated by Responders.

All RFO submission materials become the property of the City of New York and Parks. RFO 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.

Parks 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. (See Public Officers Law, Sections 87 and 89.) Individuals or firms that submit offers to Parks may request that Parks except all or part of such an offer from public disclosure, on the grounds that the offer 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 offer or portions thereof for which the exception is requested.

If Parks grants the request for exception from disclosure, Parks shall keep such offer or portions thereof in secure facilities.

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

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 RFO 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

#### **Contact Information**

All RFO questions and/or inquiries should be directed to Joel Metlen, Deputy Director of Concessions, who may be reached at (212) 360-1397 or at [joel.metlen@parks.nyc.gov](mailto:joel.metlen@parks.nyc.gov). Site visits may also be arranged, by appointment.