STATE OF NEW YORK

7870

2025-2026 Regular Sessions

IN SENATE

May 12, 2025

Introduced by Sen. COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Cities 1

AN ACT to require the commissioner of the parks and recreation department in New York city to create a formal publicly-available application process for sole-source concession agreements

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sole-source concession agreements. 1. (a) Within six months of the effective date of this act, the commissioner of parks and recreation in the city of New York shall establish a formal publicly-available application process for sole-source concession agreements and shall receive inquiries to initiate such sole-source concession negotiations.

(b) Within 120 days of an application, the city shall respond to any application to detail the parameters of a negotiation or deny the application with cause that may be appealed.

(c) In the initial application response to detail six-month benchmarks along the three-year timeline for various components of the concession agreement to be negotiated.

(d) Within three years of the date that a response was provided to a not-for-profit organization, the city shall complete any sole-source concession negotiations.

2. Enforcement. (a) If the city fails to respond to an application within 180 days, independent arbitration is authorized to generate a sole-source concession agreement within six months. The city shall adhere to the determination of the arbitrator.

(b) If the city fails to generate a sole-source concession agreement within the three-year timeline established pursuant to paragraph (d) of subdivision one of this act, independent arbitration is authorized to generate a sole-source concession agreement within six months post-deadline.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD11963-01-5

(c) The city parks, revenue and community outreach and partnership development divisions shall oversee such sole-source concession agreements.

(d) The franchise concession review committee shall grant approval of any sole-source concession agreement.

3. Insurance. Any sole-source concessionaire which receives an agreement with the city shall hold insurance and shall indemnify the city.

4. Definitions. For the purposes of this act, the following terms shall have the following meanings:

1. "Sole-source concession agreement" means: (a) a document issued to organizations which offer free and fee-based programming including but not limited to museums, nature centers, recreational, educational and environmental programs, urban agriculture initiatives, markets, special events, weddings, restaurants/snack bar/wine;

(b) a system which combines features of a not-for-profit license agreement with a concession agreement; and

(c) a system which is not a competitive process, however, not-for-profit organizations and the department of parks and recreation shall justify to the franchise and concession review committee (FCRC) why such services of such not-for-profit organization are so unique and valuable to the department of parks and recreation that a different selection procedure may be used.

2. "City" means the city of New York.

§ 2. This act shall take effect immediately.