

EXHIBIT A

**BOSTON PARKS & RECREATION DEPARTMENT
&
BOYS AND GIRLS CLUBS OF BOSTON**

2013 VENDING APPLICATION

NAME: _____

REGISTERED BUSINESS NAME: _____

BUSINESS ADDRESS: _____

CITY: _____ **STATE & ZIP:** _____

BUSINESS PHONE: _____

FAX NUMBER: _____

HOME ADDRESS: _____

CITY: _____ **STATE & ZIP:** _____

HOME PHONE: _____

CELL NUMBER: _____

EMAIL: _____

I, _____ STATE THAT ALL THE INFORMATION PROVIDED BY ME ON THIS APPLICATION IS TRUE AND ACCURATE AND I UNDERSTAND THAT IF ANY INFORMATION IS FOUND FALSE OR MISLEADING THAT I WILL FORFEIT ANY EXISTING LICENSES THAT I HOLD WITH THE PUBLIC WORKS DEPARTMENT, PARKS AND RECREATION DEPARTMENT OR OTHER CITY AGENCIES AND MUST WAIT A PERIOD OF ONE YEAR BEFORE A NEW APPLICATION CAN BE SUBMITTED.

APPLICANT'S SIGNATURE: _____

SUBMIT TO: Boys & Girls Clubs of Boston (BGCB)
Attention: Vending
50 Congress Street, Suite 730
Boston, MA 02109
Telephone: (617) 994-4744
Fax: (617) 994-4734

FOR B&GCB USE ONLY -Date Received _____

Previous Residential Address: _____

If less than two years at present address

Date Registered as a Business: _____ What City: _____

SS# or Fed. Tax ID#: _____ MA Tax #: _____

Have You Ever Held A Vending License With The City Of Boston, Parks Department or DPW? Yes No

Years Vending in City of Boston: _____ Elsewhere: _____

Where? _____ When: _____

Prior experience/history will be taken into account.

Do You Hold a State Hawkers and Peddlers License? Yes No

License #: _____

Have You, Your Employees or Your Business Been Cited By The Boston Police for Illegal Vending Activities Within the Past Five Years: Yes No

If the Answer is Yes, Please Include with Your Application a Written Explanation of the Charges and the Outcome of Said Charges.

Is the Applicant the Sole Owner of the Vending Business? Yes No

If Not, List the Names, Addresses and Telephone Numbers of All Partners on Separate Sheet.

Cart Name: _____ Desired Start Date: _____

Do you intend to operate your pushcart directly or do you plan to employ others to do so? _____

Have you participated as an approved vendor in the B&GC/Park vending program before? Yes No

If so, please provide dates _____

Have you or a relative ever been employed by the Boys & Girls Clubs of Boston or the Parks Department? Yes No

If so, please provide dates _____
(Current relatives not eligible to apply.)

If you are requesting a specific vending location (s), please indicate here:

ALL LOCATIONS ARE SUBJECT TO AVAILABILITY.



Vending References:

- 1) Name: _____
Business Name: _____
Address: _____

Telephone Number: _____

- 2) Name: _____
Business Name: _____
Address: _____

Telephone Number: _____

Please submit Exhibit A (Application), Exhibit B (Product Sheet) and a signed copy of the Exhibit C (Rules and Regulations) and Exhibit D (Rent Agreement). One application must be filed for each vending location.

If you are selected as an approved vendor, you will be required to sign a Vendor Rent Agreement for each year in which you participate in the Boys & Girls Club and Park Department vending program.

EXHIBIT C

VENDOR PRACTICES AND REGULATIONS

Vending in Boston Parks is a critical component to the image of the park. Thousands of people pass through the parks every day and a vendor is often a patron's first encounter with the City of Boston. Whether a patron stops for directions, information, or a purchase, the City of Boston relies upon vendors to make a good first impression. Your contact with tourists, visitors and Bostonians and the presentation of your cart helps establish and maintain a pleasant image and experience throughout the Boston Park system. The following criteria are in place to give Boston Parks vending program consistency and preserve high standards.

Pushcarts and/or presentation of individual vending locations

- A vending location is a *maximum* of a 10' x 10' area (**area assigned based on individual location basis**) and must not be extended beyond this area. The proposer must present clear photos or renderings of the pushcart to be used at all vending locations including all storage, containers for food or ice. No food products, beverage or ice may be stored on the ground or on any surface in the parks other than in or on the pushcart or in a separate bin and at least 6" off the ground. Each pushcart is permitted to retain one (1) garbage can and no more than two (2) storage containers.
- If a pushcart is not used, this is considered a special condition, and the vending area should be described in detail. Examples of special condition may but are not limited to cut flowers or bicycle rentals.
- Proposer must detail the hours of operation, how carts will be dropped off and picked up daily. No vehicles will be allowed to remain in the parks.
- The proposer shall be responsible for ensuring maintenance of all pushcarts and vending locations at all times.
- All vending locations shall be kept neat and clean at all times, including but not limited to, refraining from the spilling of products and cooking liquids on or around vending area, trash generated by the vending location within twenty five (25) feet, staining or otherwise impairing paved surfaces on which the vending location is located.
- All vendors will use specified awnings and umbrellas that identify them as members of the vending program. Additional umbrellas without Program logos are not permitted. These umbrellas/awnings are **not** to be used outside our Vending Program.

SAFETY REGULATIONS: To insure public safety, vendors must adhere to the following:

- Hand trucks and dollies must be neatly stored and out of sight under the skirted cart. If they cannot be stored under the cart, they must go off site. Trucks and dollies cannot be left on the outside of the cart.
- Chairs, if allowed, must stay along the side of the pushcart within approximately two (2) feet of the cart so as not to interfere with the passage of pedestrians.
- Any additional fixtures, baskets, bins, etc. must be approved by the Boston Parks Department.
- Hanging extensions must be at a 45-90 degree angle for pedestrian safety.

CLEANLINESS AND SANITATION: Owners and employees must respect that their business is operated on a public park and must adhere to strict sanitation and maintenance practices.

- Cart area should be free of trash and debris at all times. Any trash or debris generated by the pushcarts, including cardboard boxes, condiment droppings or other items should be cleaned immediately. Vendors are responsible for trash within a 25' radius of vending location. Such trash may not be put in city barrels.
- Pushcarts should remain clean. Awnings, umbrellas and tents must be washed on a regular basis.
- Spills, grease, sugar, etc. must be removed immediately.
- Food Vendors must have at least one lined trash barrel.
- All coolers and containers must be kept within the designated area.
- If requested by BGCB, a food pushcart must have a rug under the cart or area of operation.

PERMIT CONTACT INFORMATION

| <u>Health Permits & Food Manager Certification Course Information</u> | <u>Fire Permits – e.g., propane, sterno, etc.</u> |
|---|---|
| City of Boston Inspectional Services | Boston Fire Department |
| Environmental Health Division | Fire Prevention Division |
| 1010 Massachusetts Avenue | 1010 Massachusetts Avenue |
| Boston, MA 02118 | Boston, MA 02118 |
| Ms. Gloriana Walker | Lt. Mike Kenney |
| 617-635-5326 | 617-343-3541 or 617-343-3446 |

STANDARDS

- All vendors must have gulf green awnings or umbrellas with the Boys & Girls Club and Boston Parks Department identification imprinted. (Copy, color specifications and logos available from B&GC)
- All permits and price lists must be posted in visible places.
- Only Director's Chairs with gulf green backs and seats are allowed.
- Sponsorship or advertising will not be allowed without B&GC and Parks Department approval.
- The sale of beverages in glass bottles is prohibited.
- Vending locations must have a trash receptacle present at all times. Operators will be responsible for cleaning the area within 25 feet of concession(s).
- Pushcarts must remain in the specified location at all times. All spots are stationary unless otherwise authorized.
- All vending equipment must be stored off-site at the end of the day and returned the next day. **NO EQUIPMENT WILL BE ALLOWED IN THE PARK OVERNIGHT.**
- Delivery vehicles may not stay in the park for more than 30 minutes to deliver or pickup materials.
- Vendors must be located on paved surfaces. The lawn/grass is strictly off limits.
- All products and equipment must fit within provided designated area.

TERMINATION CLAUSE

Vendors who violate any of the above rules, regulations or do not have appropriate licenses or permits are subject to suspension or termination from the program at any time.

IMAGE, IDENTITY AND VISUAL PRESENTATION

Vendor pushcart presentation is one of the first things one sees upon entering the Boston Parks. The purpose of the vending program is to provide park user amenities. Cart design, visual presentation, and extra fixtures must be illustrated with a scale drawing or photo and submitted with the owner application. No application will be accepted without this rendering.

- Merchandise should be displayed in a neat and orderly fashion within the interior of the 4'X6' cart or flush against the cart. No merchandise should be separated from the cart.
- The physical design of the pushcart is part of the image and identity of the Boston Parks vending program and must be maintained as presented in vendor application.
- Storage containers must be kept out of sight, placed underneath the cart, or stored off site.
- All food containers shall be stored off the paved surface around the pushcart. If additional equipment or containers are required for daily operations, a back panel must be in place (specifications provided by BGCB).
- Any damage to the pushcarts must be repaired immediately.
- All awnings and umbrellas will be gulf green and bear the logos of the Boston Parks & Rec. and Boys & Girls Clubs of Boston.
- Vendors and employees must present themselves as professional sales and service people. They must be clean and neat in appearance. Food vendors must wear a hair restrain or cap. Inappropriately dressed employees will be subject to reprimand by the Parks Department and/or B&GC.
- Inappropriate language and behaviors will not be tolerated.
- Smoking is not permitted.
- Loitering is not permitted around the carts.

BUSINESS MANAGEMENT: Owners are responsible for day to day management of their carts, and their operation, adhering to the following practices:

Owners are responsible for managing their employees and making sure that all employees understand and adhere to all the rules and regulations of the Boston Parks vending program.

Vendors must be set up or breakdown for business before morning and after evening rush hour.

Owners cannot negotiate locations with any other vendor, or use there currently assigned location, in negotiating the sale of pushcart to potential purchaser.

On occasion, it may be necessary to relocate vendors for maintenance, construction, events or emergencies. The Parks Department in conjunction with the Boys & Girls Club will make every effort to find a suitable alternative location for the vendor. However, if necessary a vendor will be required to move if instructed to by a B&GC or Parks staff member.

The Parks Dept may bring in specialty vendors to provide vending services during festivals or other special events.

CITY REGULATIONS: In addition to the above practices, *food vendors* must abide by the City of Boston regulations pertaining to Health, Fire and Safety Codes. Vendors are subject to periodic, unannounced checks by City Departments and are subject to their decisions.

All food pushcart owners/managers must attend and successfully complete the City of Boston's Food Manager Training and Certificate Course. The course must be completed before a permit will be issued by the Inspectional Services Department.

Carts must be inspected and a permit issued by Inspectional Services Department's Health Division, for compliance with the Regulations for Food Protection and State Sanitary Code, as defined for pushcart vendors.

Propane Systems must have an inspection performed and a permit issued by the Boston Fire Department if over 40 lbs. per site. **Each cart must have a 40 lb. fire extinguisher.**

All food and produce vendors must abide by the rules and regulations of the Inspectional Services Department for the City of Boston, the Fire Department, and applicable Commonwealth of Massachusetts Sanitary Code.

I, _____, accept the Rules, Regulations and Standards of the Parks/B&GC vending program and agree to follow them.

Signature _____

Date _____

Please sign and return this document as part of your submission.

EXHIBIT D

VENDOR RENT AGREEMENT & STANDARD OPERATING PROCEDURES

**Parks Vending Program
Vendor Rent Agreement – Year 2013**

Vendor Name: _____

Location Number: _____ Location Description: _____

Monthly Rent in season: _____ Monthly Rent off season: _____
(Season runs 4/1 to 10/31) (Off season 11/1 to 3/31)

Hours of operation: _____

Rent payments are due in advance, on the first of each month. Checks should be made payable to the Boys & Girls Clubs of Boston. **There will be a \$50 service charge for any returned check.** for DO NOT MAIL OR DELIVER CASH. Rent payments can be mailed or delivered to:

Boys & Girls Clubs of Boston (BGCB)
Attention: Vending
50 Congress Street, Suite 730
Boston, MA 02109
(617) 994-4744

This agreement and license it provides may not be subcontracted or assigned by the Vendor to anyone other than the Vendor named herein and signed below. Vendor, its employees, agents, subcontractors or anyone under the direction of the Vendor are not employees of BGCB. The Vendor is responsible for all payroll, taxes, benefits, and any other obligation of all such individuals. No additional insurance or insureds shall be underwritten by BGCB for the benefit of the Vendor. Insurance certificates and required health permits must be current at all times.

The Vendor, its employees, agents, invitees, subcontractors and affiliates agree to indemnify and save harmless BGCB, and its directors, overseers, employees, agents, and affiliates from and against all claims, damages, costs, expenses and liabilities of whatever nature arising out of the acts, omissions, fault or negligence of the Vendor, their employees, agents, invitees, subcontractors and affiliates.

AGREED:

By:
Boys & Girls Clubs of Boston

By: _____
(Name of person signing)

(Name of business)

DATE: _____

DATE: _____

**Parks Vending Program
Standard Operating Procedures**

- Fire, Health and Parks and Recreation permits must be displayed conspicuously.
- Public and Product liability, as well as Property Damage, Insurance is required as follows:
 - At least \$1,000,000.00 for Public Liability, Product Liability and Property Damage
 - City of Boston *and* Boys & Girls Clubs of Boston, Inc. ***must be listed as additional insureds***
 - Certificate Holder: Boys & Girls Clubs of Boston, Inc. 50 Congress Street, Suite 730, Boston, MA 02109, Attn: Vending
- Tax Tickets are required as follows:
 - Merchandise – Sales and Use Tax Vendor
 - Food – Meals Tax on Food
 - Tax Registration may be obtained from: The Commonwealth of Massachusetts, Mass DOR, Telephone: 617-887-6367, WWW.MASS.GOV/DOR
- Set-up or delivery vehicles are allowed on the licensed premises only between the hours of 9:00 a.m. and 11:00 a.m. and between 6:00 p.m. and 8:00 p.m. daily (weather emergencies excepted). All vehicles are prohibited in the Boston Common between 11:00 a.m. and 6:00 p.m. daily (weather and public safety incidences excepted).
- The maximum speed limit while on the Parks is 5 MPH.
- Standard hours of operation are between 8:00 a.m. and 8:00 p.m., unless otherwise approved by B&GC and Parks Department
- Bounced checks are grounds for immediate dismissal from program.
- The use of gasoline generators is not permitted in the Parks.
- There is a \$50.00 fee for lost permits for the first occasion. A second loss is grounds for immediate dismissal from the program.
- Change of address or telephone number must be reported to the Vending Office at Boys & Girls Clubs of Boston immediately.
- Disrespect or disobedience to an identified Public Authority constitutes grounds for immediate dismissal from program.
- Participant vendors will only engage in behavior and speech conducive to good business practice and civility.
- Participant vendors will not interfere with the public’s use and enjoyment of licensed premises.
- Participant vendors shall display in a prominent place price lists of all refreshments, services or other items being sold.
- Failure to provide the product or service as agreed and presented herein constitutes grounds for dismissal from the program, without refund of rent paid.
- Vendors must relocate if requested by the Parks Department, Public Safety Officials or the Boys & Girls Club.

AGREED:

By: _____
(Name of person signing)

(Name of business)

DATE: _____

(As of January 1st, 2014, all Vendors will have to adhere to the following:)

City of Boston Healthy Options Beverage Standards

Pursuant to Mayor Thomas M. Menino's Executive Order Relative to Healthy Beverage Options, the

Boston Public Health Commission has established the following Healthy Options Beverage Standards.

These Healthy Options Beverage Standards have been developed to help ensure that City government

provides a model for promoting healthy workplace environments and advance the Mayor's overall agenda

to make Boston healthier city. The following shall constitute the Healthy Options Beverage Standards:

- a. No calorically-sweetened cold beverages including, but not limited to, non-diet sodas, calorically sweetened energy drinks and sports drinks, pre-sweetened tea and coffee drinks, juice with added sugars, and sweetened water products shall be sold or distributed unless said beverages contain less than or equal to one gram of sugar per fluid ounce.
- b. Fruit and/or vegetable-based beverages sold or distributed shall be composed of no less than 100 percent juice. Where possible, fruit and/or vegetable-based beverage offerings shall not exceed 8 ounces or 150 calories and shall be no salt or low-sodium varieties.
- c. Milk, soy milk and other milk substitute offerings shall be limited to 1% or skim milk, shall not exceed 12 ounces in volume, and shall contain no more than 25 grams of total sugars per 8 ounce serving.
- d. Diet or other non-calorically sweetened beverages shall comprise no more than one-third of the total beverage offerings.

The City and its agents will comply with these standards. An Order Relative to Healthy Beverage Options is applicable to all vending machine services, City-managed food or beverage services programs,

contracted food or beverage services, food or beverage procurement, leases and other agreements for food

or beverage concessions in or around City-owned buildings. City staff, contractors and vendors shall

review the Order and Standards and may request additional information and training as needed.

This

policy will be reviewed periodically, but at least once every three years from the date of implementation.

More information at www.bphc.org/programs/cib/chronicdisease/healthybeverages