



## **PUBLIC NOTICE OF RATIFICATION OF MINOR RULES VIOLATION**

On April 14, 2020, pursuant to Section 1-11(a)(ii) of the rules found at Title 12 of the Rules of the City of New York (“Concession Rules”), the City Chief Procurement Officer (“CCPO”) ratified a minor Concession Rules violation request made on February 26, 2020 by the New York City Economic Development Corporation (“EDC”) on behalf of the Department of Small Business Services (“SBS”) for Solicitation No. 71410001, Notice of Award of a concession agreement to Macquarie Aviation North America, Inc. DBA Atlantic Aviation for the operation of the East 34<sup>th</sup> Street Heliport in Manhattan.

EDC, SBS, and the CCPO have determined that the minor rules violation, which occurred with regard to EDC’s procedural error of publishing the notice of award of the concession in the City Record after, though not within, 15 calendar days following the registration of the concession as required by Section 1-09 of the concession rules for the subject notice of award, was not the result of bad faith or fraud on the part of the selected concessionaire and in accordance with Section 1-11(b)(i)(A) of the Concession Rules that ratification of the subject concession minor rule violation will not violate any law applicable to the concession process.

The concession, which was solicited by a Competitive Sealed Proposals - Request for Proposals, will operate pursuant to a concession agreement for a period of five (5) years with one five (5) year renewal option. Compensation to the City will be as follows: Concessionaire shall pay to the City concession fees of the greater of a minimum annual guarantee (MAG) versus a percentage of gross receipts. Operating year 1: \$1,000,000 (MAG) vs 33% of gross receipts; Operating year 2: \$1,075,000 (MAG) vs 34% of gross receipts; Operating year 3: \$1,155,625 (MAG) vs 35% of gross receipts; Operating year 4: \$1,242,297 (MAG) vs 36% of gross receipts; Operating year 5: \$1,335,469 (MAG) vs 37% of gross receipts; Option year 1: \$1,500,000 (MAG) vs 38% of gross receipts; Option year 2: \$1,612,500 (MAG) vs 38% of gross receipts; Option year 3: \$1,733,438 (MAG) vs 38% of gross receipts; Option year 4: \$1,863,445.31 (MAG) vs 38% of gross receipts; Option year 5: \$2,003,204 (MAG) vs 38% of gross receipts. Concessionaire may only operate Monday through Friday during the hours of 8:00 am to 8:00 pm.