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**City Wireless Internet Access for New York City Parks and
Other Open Spaces
Request for Information
PIN: 85809RFI0045**

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Due Date: 6/12/09

The New York City Department of Information Technology and Telecommunications (“DoITT”) seeks information regarding the provision of WiFi or other comparable wireless Internet service in designated City parks and other open spaces.¹ Until recently, eight City parks had WiFi service through a New York City Department of Parks and Recreation (“Parks”) concession agreement, and many other parks and open spaces continue to have wireless service provided by Business Improvement Districts, non-profits and commercial enterprises. This Request for Information (“RFI”) seeks expressions of interest in providing WiFi service to a greater number of City parks and other open spaces as a City-designated WiFi provider to open spaces, as well as recommendations as to the configuration of such a program.²

¹ “Open spaces” for purposes of this Request for Information refers to City-owned plazas, lobbies in municipal buildings, waterfront parks or piers, Greenstreets, recreational facilities or any other open space that the agency with jurisdiction over the space determines would benefit from WiFi or wireless service.

² As the agency that oversees the City’s use of existing and emerging technologies in government operations and in delivery of services to the public, DoITT has an interest in seeking information through this RFI as to whether and how City resources should be used to enhance WiFi or other wireless Internet services in City-owned parks and open spaces. The actual solicitations and agreements with wireless Internet providers would be conducted, however, by those agencies controlling those properties.

I. Background Information

As noted above, WiFi service was, until recently, available in eight City parks through a concession agreement with the Parks Department. After conducting an RFP process, Parks entered into a concession agreement with WiFi Salon on October 1, 2004 authorizing the provision of WiFi service at a total of seventeen sites in Central Park, Prospect Park, Battery Park, Union Square Park, Washington Square Park, Flushing Meadows Corona Park, Van Cortlandt Park, Pelham Bay Park, Orchard Beach, and Riverside Park.³ The initial term of this concession agreement expired on September 30, 2007 with the option of three one-year renewals at Parks' discretion. Parks renewed the existing concession with WiFi Salon for one successive year, ending on September 30, 2008.

New York City also has 59 Business Improvement Districts (BIDs), which are formal associations of property owners and commercial tenants in a given area that promote business development and aim to improve quality of life. Free WiFi service is now also offered by several of these BIDs as an amenity in the parks and open spaces included in their districts, such as Bryant Park, City Hall Park and Bowling Green Park.

The City believes there is value in the provision of free WiFi service in public areas where people are likely to use wireless devices. WiFi is now widely considered to be a valuable amenity in open areas, particularly where residents and tourists congregate. A City WiFi offering can also give wireless users the opportunity to learn more about the surrounding area, including nearby restaurants and stores, to the benefit of such surrounding businesses.

To this end, the City seeks information as to whether one or more WiFi providers are interested in providing service to the following existing and additional parks sites:

The Bronx: Joyce Kilmer Park and Poe Park;

Brooklyn: Cadman Plaza, Brooklyn Bridge Park, The Bandshell - Prospect Park, The Picnic House - Prospect Park, Fort Greene Park, Stofka Gardens – McCarren Park, Carroll Park, Brooklyn Heights Promenade;

Manhattan: Union Square Park, Washington Square Park, Boat Basin – Riverside Park, Summer Stage – Central Park, Sheep Meadow – Central Park, Delacorte – Central Park, The Dairy – Central Park, Merchants Gate – Central Park, Arsenal/Central Park Zoo, Central Park Tennis Center, Battery Park, Tompkins Square Park, the restaurant/pier area in Riverside Park at 67th St, East River Park, Morningside Park, Heather Gardens/Fort Tryon Park, Foley Square, Dag Hammarskjold Plaza, Ruppert Park, Stuyvesant Square;

Queens: Borough Hall, Court Square Park, Leonard Square, Kissena Corridor Park, Socrates Sculpture Park;

³ These hotspots are listed and mapped at: http://nycgovparks.org/sub_your_park/wifi/index.html
The Parks website also lists which sites are currently active or inactive.

Staten Island: Clove Lakes, Snug Harbor, South Beach boardwalk, Pinocchio Park, Staten Island Park.

In addition, the City hopes in the context of this initiative to work with the Business Improvement Districts to expand on the recent progress a number of BIDs have made in offering WiFi services in appropriate open spaces around New York City. For a complete list of NYC Business Improvement Districts, visit <http://www.nyc.gov/html/sbs/html/neighborhood/bid.shtml> Other open spaces administered by City or City-related agencies or entities, including those currently under development, might also be candidates for WiFi service going forward under or consistent with this initiative.

II. Information Requested

DoITT seeks information as to the level of interest in providing WiFi service under the following terms and conditions, or whether other terms and conditions would provide a more sustainable business model.

Proposed terms and conditions:

The City anticipates that the WiFi provider or providers would provide WiFi service in selected City parks and open spaces at no cost to the City or the end-user. The WiFi provider(s) might generate revenues through advertising or other paid-for material on the portal page (the initial screen that appears when a user connects in a hotspot). For example, the WiFi provider might advertise its own products and services on the portal page, and/or derive revenue from advertising the products and services of others on that page.⁴

The City will provide for certain forms of publicity to build awareness of the availability of WiFi hotspots and of the provider's offerings and services. For example, the City may provide for space on city owned or controlled outdoor media, such as on bus stop shelters, phone kiosks or banners as appropriate, outside parks to publicize the WiFi service provider(s) and its WiFi hotspots. The Parks Department could also publicize the designated WiFi provider(s) on the official Parks website.

At WiFi hotspots within the designated City parks, the Parks Department could acknowledge the WiFi provider in additional, specific ways. It could provide, for example, discrete, tasteful signage (consistent with the park environment) within the parks stating "WiFi

⁴ Advertising is subject to standard City restrictions. For example, the display or placement of tobacco and liquor advertising is prohibited. Any type of advertising which the City or DoITT determines is false or misleading, which promotes unlawful or illegal goods, services or activities, or which is otherwise unlawful or obscene, including, but not limited to advertising that constitutes the public display of offensive sexual material in violation of Penal Law Section 245.11 is also prohibited.

service provided by X company.” For those hotspots within which Parks’ concession facilities are located, there might be an acknowledgment of the WiFi provider’s service noted on concessionaire menus, brochures, or other publications (to the extent consistent with applicable concession agreements).

The Parks Department could also publicize the WiFi provider’s service and acknowledge its efforts in Parks literature, e.g. in press releases, in newsletters, and other publications developed for Parks-produced events. Finally, the WiFi provider could be given the opportunity to participate in approximately six large scale special events internally produced by the Parks Department’s Marketing and Special Events Division. A provider could be given a booth at such events, from which it could distribute information about WiFi or other products.

To enable WiFi service in the designated hotspots, the relevant city agency (such as Parks) or other public entities would provide access free-of-charge to structures and property for the relevant equipment, such as antennas and transmission lines for backhaul. The antennas and relevant equipment should be relatively unobtrusive, and conform with all parks requirements. The WiFi provider would be limited in its use of such facilities to use specifically for provision of the free WiFi service.

General Questions:

DoITT seeks information on the level of interest in providing WiFi service across an expanded number of parks and open spaces in New York City, and seeks comment as to the ways in which such an engagement might be beneficial to respondents.

DoITT seeks comment as to whether the above mentioned terms and conditions provide for a sustainable business model. How would providers anticipate generating and valuing advertising revenue? Additionally, how do they value the in-kind advertising and publicity offered by the City? The City would also consider a marketing partnership as part of an overall contract. If this were to be incorporated, how might such a partnership be structured and add value? Are there other terms or conditions that should be considered or changed to provide for a more sustainable business model?

DoITT also seeks information on the sites listed above and seeks comment on the level of interest in providing WiFi service to all of these sites. The sites selected by Parks are considered to be sites drawing high levels of traffic, where visitors might use their wireless devices. Are there additional sites where WiFi service would make sense? Are there other open spaces or areas controlled by BIDs that are suitable for WiFi and do not currently have such service? Would there be continued interest in providing service to public open spaces that are still in development or have yet to be selected for WiFi service by BIDs or other public entities?

On a related point, does it make the most sense, in terms of a sustainable business model, to select one provider that would provide WiFi service to all of the sites listed above? Are there WiFi providers that would be interested in providing service to all of these sites? Is there any benefit in selecting several providers, each providing service to a distinct set of sites? To take this concept to the extreme, should the WiFi service provider be selected on a park-by-park basis

in accordance with the “Support Your Park” (formerly “Adopt a Park”) model?⁵ Or, what are the possible implications of having two or more providers serving the same site? Finally, if a WiFi provider(s) is able to select the sites served, how can the City ensure that other sites are also served?

DoITT also seeks comment on how the City can make accommodations for changing technologies. To what degree are developing wireless Internet technologies likely to offer service that is similar or superior to WiFi in the near-term? If there is strong likelihood of substitute or superior service, how can future RFPs be modified to accommodate the possibility of new, developing wireless Internet services?

Finally, DoITT and Parks have received some input in connection with previous Parks WiFi RFPs indicating that the City’s standard requirements with respect to indemnification or insurance might be modified to reflect lesser risks associated with this particular type of project. In Parks’ current concession agreement, Parks generally requires evidence of the following levels of insurance coverage: \$3,000,000 for general liability; \$1,000,000 for each occurrence; \$1,000,000 for personal injury liability; \$1,000,000 for property damage liability; and an amount for fire and extended coverage. Comments related to insurance levels have suggested that the cost of providing wireless Internet service for parks users should be reduced because of the lower level of physical and legal risks involved in providing WiFi service. DoITT seeks information on the physical and legal risks associated with the provision of wireless Internet service to parks users. DoITT also seeks information on whether the City’s standard contractual risk protection requirements should be modified and, if so, the likely effect on service providers’ costs.

III. Submission Process and Conditions

This RFI is intended only to elicit comments and information for the purposes of informing City decisions going forward as to how to structure possible future requests for proposals or other potential City actions with respect to the matters raised. Potential service providers and other responders to this RFI should note that no concessions, contracts or other agreements for the provision of Internet service to users of parks and open spaces will be awarded pursuant to this RFI. Responding, or not responding to this RFI will neither increase nor decrease any provider’s chances of being awarded a contract from a subsequent solicitation issued by DoITT, if any, for relevant services. No information provided by Parks or other City agency in this RFI is intended to constitute a representation or warranty binding on Parks or DoITT and it is not the intention of Parks or DoITT that any reader of, or responder to this RFI will rely on information contained in the RFI without independent investigation. Neither Parks

⁵ Support Your Park is an innovative way to provide financial support for the refurbishment and maintenance of New York City’s greenspaces. Individuals can choose a park or facility to sponsor and, with the assistance of Parks administrators, specify how their funds should be used (e.g. additional park benches, basketball court improvements, playground renovations). For further information please visit http://www.nycgovparks.org/sub_your_park/support/index.html

nor DoITT shall be responsible for any costs or expenses incurred by responders to this RFI in preparing or submitting such responses.

It is not expected that information supplied by a respondent in its response will be confidential. In the event a respondent believes that specific information it must submit to respond fully and completely to this RFI should be treated confidentially by DoITT, it should so advise DoITT in writing. DoITT will attempt to treat as confidential proprietary information of any respondent, consistent with legal requirements. Any allegedly proprietary information contained in a response must be clearly designated as such, and should be separately bound and labeled with the words "Proprietary Information". Appropriate reference to this separately bound information must be made in the body of the response. MARKING THE ENTIRE RESPONSE AS PROPRIETARY WILL RESULT IN THE RESPONSE BEING RETURNED TO THE RESPONDENT UNREAD. Respondents should be aware, however, that DoITT may be required, pursuant to the New York State Freedom of Information Law ("FOIL") (New York Public Officers Law Section 87 et seq.), to disclose a written response or portion thereof submitted in connection with this RFI. In the event that such disclosure is requested by a third party, DoITT will provide notice to the respondent as far in advance as practicable of any deadline for responding and shall consult with the respondent to evaluate the extent to which such information may be withheld from disclosure under the provisions of FOIL. Consistent with the requirements of FOIL, the final determination whether such information may be withheld from disclosure shall be made by DoITT. In the event that DoITT determines that information may not be withheld, DoITT will attempt to provide the respondent with timely notice of intent to disclose in order that the respondent may invoke any rights or remedies to prevent disclosure to which it believes it may be entitled under the law. The respondent expressly acknowledges and agrees that neither DoITT nor the City of New York will have any liability to the respondent in the event of disclosure of materials designated by the respondent as "Proprietary Information".

All questions, clarifications, and other comments regarding this RFI should be directed to Mr. Jean Blanc via email at acco@doitt.nyc.gov or by telephone (212)788-6236 no later than May 21, 2009 by 3:00 p.m. EST. Responding organizations should submit written responses, not to exceed 20 pages in length, no later than 3:00 p.m. EST on June 12, 2009 either via e-mail or hard copy to:

New York City Department of Information Technology and Telecommunications
75 Park Place, 9th Floor
New York, NY 10007
Attn: Jean Blanc

Please title all e-mails, written correspondence, and responses using PIN: 85809RFI0045.