



Legislation Text

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Authorizing the Commissioner of Parks and Recreation and the Commissioner of Procurement, on behalf of the City of Philadelphia (the "City"), to enter into a multi-year Concession Agreement with German American Marketing, Inc. d/b/a CHRISTMAS VILLAGE IN PHILADELPHIA, for the operation and management of a seasonal Christmas Village for the City of Philadelphia at LOVE Park and other potential City owned areas.

WHEREAS, Pursuant to RFP Number C-101-21, the Commissioner of Parks and Recreation and the Commissioner of Procurement, on behalf of the City of Philadelphia, entered into a Concession Agreement, as amended, with German American Marketing, Inc. d/b/a CHRISTMAS VILLAGE IN PHILADELPHIA (the "Concessionaire"), for the operation and management of a seasonal Christmas Village for the City of Philadelphia at LOVE Park and other potential City owned areas (the "Concession Agreement"); and

WHEREAS, The City desires authority to continue the Concession Agreement, as amended, through ; now, therefore

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. The Commissioner of Parks and Recreation and the Commissioner of Procurement, on behalf of the City of Philadelphia, are hereby authorized to continue the Concession Agreement through December 31, 2030.

SECTION 2. The Concession Agreement subject to this authorization shall substantially incorporate the terms set forth in Exhibit "A" to this Ordinance ("Christmas Village Concession Agreement Term Sheet").

SECTION 3. The City Solicitor is hereby authorized to review and to approve, prior to execution, all instruments and documents necessary to effectuate this Ordinance, which instruments and documents shall contain such terms and conditions as the City Solicitor shall deem necessary and proper to protect the interests of the City.

EXHIBIT "A"

Christmas Village Concession Agreement Term Sheet

1. Parties. The City of Philadelphia acting through its Department of Parks and Recreation and its Procurement Department (the "City") and German American Marketing, Inc. (the "Concessionaire").
2. Term. The Term of the Agreement, upon City Council authorization, is for five years, commencing November 20, 2025 and terminating December 31, 2030, subject to the City's right to terminate for convenience as specified in Section 3.29 of the Request for Proposal which is incorporated and made a part of the Concession Agreement, as amended.

3. Concessionaire Duties. Concessionaire shall manage and operate all aspects of the Christmas Village (the “Concession”), including, but not limited to, the following: managing the market; vendor contracts and management, including, but not limited to, best efforts to solicit and provide business opportunities to minority, woman and disabled owned business exhibitors; sales; marketing and advertising; staffing; ground maintenance, sponsor coordination and deliverables; coordinating, for their supervision, all of the setup, operating and breakdown of the Concession with Department staff; and compliance with all applicable laws including, but not limited to, the Americans with Disabilities Act.
4. Concession Fees. Concessionaire will pay to the City:
 - a. A Concession Fee as set forth below:
 1. \$45,000 in 2025;
 2. \$50,000 in 2026;
 3. \$50,000 in 2027;
 4. \$55,000 in 2028; and
 5. \$55,000 in 2029.
 - b. A minimum Sponsorship Fee of \$25,000, plus an additional 50% of sponsorship contributions (revenues minus costs) from additional sponsorships arising from Christmas Village.
 - c. A Security Deposit for damage to City property.
 - d. Reimbursement of costs for any City services required in the operation of the Concession.
5. Capital Investment. Concessionaire made a capital investment of approximately \$1,000,000.00 under the Concession Agreement, as renewed, and intends to make an additional capital investment of approximately \$250,000.00 to create a new focal point for the 2025 season.
6. Economic Opportunity Plan (“EOP”). Concessionaire shall maintain a commitment of 20-25% M/W/DSBE participation in its operation of the Concession. The Economic Opportunity Plan is set forth in Exhibit “B” to the Ordinance.
7. Miscellaneous. Annually, Concessionaire shall (i) comply with all applicable laws, including, but not limited to, the Americans with Disabilities Act (“ADA”), (ii) submit an ADA compliance plan acceptable to the City, (iii) provide the types and limits of insurance required by the City, (iv) submit an alcohol management plan acceptable to the City; (v) comply with all obligations as set forth in the Concession Agreement.

