



February 18, 2019

DMM PROPOSAL TO OPERATE OUTDOOR MARKET: DGS-RFP-2019-02

Diverse Markets Management (DMM) is interested and capable in contracting with DGS to operate the Outdoor Market on Saturdays on the 300 Block of 7th Street S.E. We are experienced, well qualified and a well-regarded company incorporated in Washington D.C and supported by the local Capitol Hill community surrounding Eastern Market and the licensed premises. DMM currently operates a high-quality outdoor market on the location on Sundays and can assume operation for Saturday in a relatively quick manner on DGS's behalf. Our company has decades of market management experience in the Washington DC, Maryland, and Northern Virginia region. Our intention is to work hand-in-hand with the community and DGS to develop, recruit for, and oversee a superb market experience for unique small businesses of locally made arts and crafts, antiques and imported handcrafts exhibitors. Due to our strong local ties, and our in-house expertise in attracting and managing quality local exhibitors, our solid background in successful outdoor special events in the District including The Flea Market at Eastern Market and the Downtown Holiday Market, we believe we are the best organization to be selected to operate this market.

An Experienced Market Manager

Diverse Markets Management, LLC (DMM) is a DC-based firm specializing in the development, programming and management of outdoor public exhibitor markets and special events. Principals in the firm are experienced leaders in specialty vending, in managing relations with this unique group of small business entrepreneurs, and in recruiting quality local talent for entertainment. Members of the DMM team have a lengthy and successful history of working together at Eastern Market. Key attributes of the team include principle participation of the manager of The Flea Market at Eastern Market, decades of business activity as exhibitors and managers there, and long working relationships with other stakeholders at the market. Our team has developed the Downtown Holiday Market in partnership with the Downtown BID. It has organized and managed the Art Market for the renowned Arts on Foot festival for the Penn Quarter Neighborhood Association and Downtown BID and has launched markets in partnership with the Crystal City BID, the Capitol Riverfront BID, the Mount Vernon Triangle CID, and the federal government. It has worked with private companies such as Macerich (Tysons Corner Center) and Madison Marquette in providing special events and farmers markets. Currently, DMM operates both a night market under contract with JBG and Forest City, in partnership with the Southwest BID, as well as the Flea Market at Eastern Market on Sundays under DGS and separately with Eastbanc/SEB.

License Terms and Requirements

Applicant takes exception to License Terms 1, 2, and 3. Applicant accepts License Requirements 4, 5, and 6. Applicant response to exceptions found in Addendum following Solicitation Response.

Solicitation Response Requirements

As per its own standards of operation in comparable markets and events, DMM always performs and operates in a manner that satisfies the objectives and requirements set forth in Section D, including:

1. The Outdoor Market is clean and organized at all times.

DMM provides its own signage, traffic control, trash cans, bags, cleaning equipment and continual cleaning of its markets during and post-market activity. The Flea Market at Eastern Market on Sundays employs adequate staff, stores equipment on site, including trash receptacles, cones, bars, directional signage and hires trash hauling crews to perform these activities and would utilize the same maintenance and organizational plan on Saturdays.

2. The Licensee's staff and management work closely with neighbors to ensure that the market fits in with the community.

DMM staff and management have long held relationships and strong ties with the community of neighbors, businesses, Eastern Market stakeholders and organizations with interests in Eastern Market, including the Eastern Market Main Street, ANC representatives, and other entities that are impacted by market activity. As such we actively listen, dialogue and adapt our activities to best satisfy various interests and concerns. Further, as a local Capitol Hill business and with a board seat on the Eastern Market Main Street, DMM maintains a presence in the neighborhood even when not operating and has a synergistic and aligned vision with community leaders for what the market use area should be. As market operators, DMM is always engaged with its surrounding community, wherever we operate.

3. That a staff of cordial employees is selected.

DMM employees are well known, admired and beloved within the Eastern Market use area by the exhibitors, customers and neighboring businesses because of their long-time employment in service to the market here. As such, their cordiality, professionalism and deep knowledge of the uses, personalities and operations are always at the fore.

4. That vendors and customers have a safe and pleasant work/shopping environment.

Due to its long experience in operating markets in both public streets and sidewalks, and in private lots, some of which have unusual constraints in space, access or configuration, DMM firmly believes that a safe and pleasant environment is key to the success of a market for both its participants and its clientele. Our standard operational procedures are to carefully and diligently oversee vehicular traffic controls during loading/unloading and keeping exhibitors tightly in line so as to not create any hazards. That said, our tag line in vendor applications for the Flea Market at Eastern Market for 35 years has been "it's a fun place to sell". And we still believe in providing that. Our record in attracting customers to the Eastern Market corridor has been proven in studies and surveys. The results are not only due to the tens of thousands of dollars spent in advertising through the years, but also creating a pleasant shopping environment.

5. *That rules are created considering the DGS/Eastern Market rules as a standard.*

A copy of the Flea Market at Eastern Market rules is attached for review (Attachment A).

Similar, if not identical, rules would be in place for Saturday and participation would require agreeing to the rules.

Beyond these minimum standards set by DGS, DMM always operates with additional standards at its markets, including:

1. Proper signage. DMM always employs sign boards promoting and articulating the market activity.
2. Adequate marketing. DMM standard procedure is to produce marketing material, including postcards, websites, social media and advertising. DMM contact information is always included as well as basic information about market hours and location.
3. Adequate staffing. DMM believes in always having staff on site, visible and available enabling participants to alert us to issues, quickly address any emergencies, monitor vehicular, and pedestrian traffic, and to provide information to the public.

I. Statement of Qualifications

A. Diverse Markets Management is incorporated and located in Washington D.C. Its operations are in compliance with rules and regulations of the District Government. Please see Attachment B, C and D for its Certificate of Clean Hands, Certificate in Good Standing, and Business License.

B. Diverse Markets Management is an LLC formed in 2005. A summary profile is provided above. DMM has 12 employees, with upwards of 12 additional contractors brought in to supplement staff for certain market activities. Current markets operating, or under contract to operate, include:

- The Flea Market at Eastern Market

300 block of 7th St. SE and 700 block C Street SE, Washington DC 20003. Every Sunday, year-round.

5 on-site employees, plus 3 managerial directors and graphic artist. Vendor rates vary between \$80 and \$160 per space, per day.

- Market SW

425 M Street SW, Washington DC 20005. Every other Friday between May 1 -October 31.

4 on-site employees, plus 2 managerial directors and graphic artist. Vendor rates are \$50 per space per date.

- Farmers Market SW

425 M Street SW, Washington DC 20005. Every Saturday between April 1 -November 22.

4 on-site employees, plus 2 managerial directors, 2 or 3 volunteers, and graphic artist. Farmer rates are between \$250-500 for season. Prepared food vendor rates are \$40, packaged and non-food rates are \$20, non-profit and community groups are free.

- Crystal City Crafts Market

1800 block Crystal Drive, Arlington VA, 22202. Every Thursday May 1- June 31 and September 1- Nov 22.

2 on-site employees, plus 1 managerial director. Vendor rates are \$30. Non-profit and community groups are free.

- The Downtown Holiday Market

900 block of F Street NW, Washington DC 20004 Every Day Nov 22- Dec 23.

8 on-site employees, plus 3 managerial directors, graphic artist, and 12 contracted staff. Vendor rates vary between \$200-\$425 per day, depending on date and category qualification.

Diverse Markets and its principals are now, and have been affiliated with the following professional organizations and accreditations:

- Capitol Hill Area of Merchants and Professionals
- Capitol Hill Foundation
- Capitol Hill Restoration Society
- Committee of 100 on The Federal City (prior board member)
- DC Preservation League
- Eastern Market Main Street (board member)
- National Trust for Historic Preservation
- National Association of Tax Preparers
- Professional Show Managers Association
- Project for Public Spaces
- Pyramid Atlantic Art Center (board member)

C. Diverse Markets Management is a DC-based firm specializing in the development and management of outdoor public exhibitor markets. Principals in the firm are experienced leaders in specialty vending and in managing relations with this unique group of small business entrepreneurs. Members of the DMM team have an experienced and successful history of working together on markets, especially at historic Eastern Market. Key attributes of the team include the manager of The Flea Market at Eastern Market (FMEM), decades of business activity as exhibitors and managers, as well as long working relationships with other stakeholders of the Market. While the firm has 15 years of experience managing events, principals and key team members have been managing and staffing The Flea Market at Eastern Market for 35 years continually.

Because our team has actual investments and livelihoods based on vending and deep roots in the city, we have a particularly personal commitment to a market's success. We are strongly dedicated to developing and maintaining a financially sustainable market while enhancing the ongoing integration of a market into the community.

DMM principals have significant experience in the following areas:

- Outdoor Arts, Crafts and Flea Market Management
- Special Event Planning and Programming
- Arts Facility Development and Programming

- Community Relations
- Public Relations and Marketing
- Business Development
- Strategic Planning
- Historic Preservation
- Accounting and Financial Consulting
- Real Estate Management

DMM is highly regarded for its role as managers and consultants. Team members are skilled community consensus managers, with in-depth knowledge of the exhibitor community. In addition, we have an extensive network of arts and cultural events specialists to support market programming. We are also respected for our experience in designing markets that contribute to the revitalization of historically and economically significant areas in DC, including Eastern Market. We understand the tasks required to successfully enhance a public market: government, community, and exhibitor consensus building; organizational skills; financial accountability; marketing and communications talent; and extensive database development. Combined with our excellent relationship skills, cultivation of new and varied exhibitors, constant and vigilant on-site presence, and dispute resolution experience; DMM has become the most capable outdoor market management group in the DC region.

- D. *A summary of the current staff. Describe their experience, qualifications and tenure with the organization.*

Principles in the firm

Michael Berman, President and Executive Director

Co-founder Michael Berman has experience in the fine arts, art community organizing, land planning, historic preservation, real estate, property management, and the development of outdoor markets. He is a practicing artist and a previous exhibitor. Michael has worked with both public and governmental agencies, as well as privately funded companies in arts related programs and exhibiting. He served as a board member of the Public Space Planning and Management Corporation, which provided the District with advice and oversight concerning vending laws, planning and management. Michael currently serves on the board of the Eastern Market Main Street and on Pyramid Atlantic Art Center in Hyattsville MD. He is also president of the Downtown Artists Coalition. He leads CAOS on F, an art gallery, performance space, and coalition of practicing artists and artisans, and maintains his studio on Capitol Hill. Additionally, he is a member of many local and city organizations.

Tom Rall, Communications Director

Co-founder Tom Rall, whose management of the Flea Market at Eastern Market, for nearly 30 years, helped build the Sunday market into what has been called one of the "best small markets in the country." He turned what once was an under-used public space on Sundays into a contributing element of an economic revitalization that realtors and guides call the "heart of Capitol Hill." Tom has deep ties to the Capitol Hill community and has been a contributing member of the pillar organizations that keep the Hill a proud and rich neighborhood.

Jeff Taliaferro, Finance Director

Jeff Taliaferro joined the company as a director in May 2014. His company JWT Financial Consulting, has provided financial management services for several years. He has extensive experience in internal financial management reporting and a diverse background in a wide-range of industries including: Public Sector, Homeland Security, Commercial, State & Local and Healthcare. He has a proven track record for improving financial efficiency through effective utilization of information technology. Jeff lives on Capitol Hill and is a lifelong resident of Washington DC.

Managers in the firm

David Wright, Market Manager, Flea Market at Eastern Market

Born and raised in Capitol Hill, David Wright has been associated with Eastern Market for the last 20 years. He worked previously for the Market 5 Gallery in the North Hall as well as with The Flea Market at Eastern Market. Affectionately known as "Big Dave", David oversees traffic control, space assignments, fee collection and bookkeeping. He supervises the clean-up at the end of day and is responsible for opening and closing down the flea market each Sunday.

William Coates, Market Manager, MarketSW, Farmers MarketSW, Crystal City Crafts Market, Downtown Holiday Market

William "Rudy" Coates has provided consistent and flawless on-site market management for over 20 years. Rudy was born and raised in Capitol Hill and has served in many capacities at Eastern Market for more than 30 years. Rudy oversees traffic control, space assignments, fee collection and bookkeeping. He supervises the clean-up at the end of day and is responsible for opening and closing down each market and manages staff for each market.

Key Team Members

Chul Beom Park, Creative Director

Chul is a professional artist and graphic designer employed with DMM since 2011. Chul oversees all aspects of the company's art and creative content, including serving as Graphic Designer, Brand Management Specialist and Multi-Media Artist. He creates and manages Diverse Markets multiple websites. As a practicing artist, Chul has exhibited in many DC institutions and is participant and principal contributor to the art gallery and artists collective, CAOS on F.

Jessica Blaszcak, Market Coordinator

Jessica has considerable experience in managing art markets, including with Diverse Markets since 2014 and prior managing the Ballston Art Market for the Ballston BID, the Fenton

Street Market in Silver Spring, MD as well as her current participation in co-managing the Isle of Palms Farmers Market outside Charleston, SC. Jessica organizes, coordinates and communicates with hundreds of market exhibitors and participants for multiple DMM markets and events, including Crystal City Crafts Market and MarketSW. Additionally, Jessica is a practicing crafts artist and participant in many Arts Festivals and Arts Markets.

Brady Rall, Research & Development Director

Brady has worked for Diverse Markets in various capacities, including on-site management duties at many of our events, notably the Downtown Holiday market and Market SW both since 2015, and as a researcher and back-office assistant and assisting at our Flea Market at Eastern Market over the past decade. Brady has a master's degree in Urban Planning with a focus on public space, transportation and outdoor markets. He has traveled extensively worldwide both in his studies and in researching various aspects of markets and trade.

Assistant Managers

Diverse Markets owes much of its success and smooth operations of all its market and special event activity to its hard-working, punctual, diligent, considerate, and quick-to-smile, assistant managers.

Sylvester Johnson, Flea Market at Eastern Market, MarketSW, Farmers MarketSW, Crystal City Crafts, Downtown Holiday Market

Donald Kennedy, Flea Market at Eastern Market, MarketSW, Farmers MarketSW, Crystal City Crafts, Downtown Holiday Market

Renee Wright, Flea Market at Eastern Market, Downtown Holiday Market

John Lawson, Flea Market at Eastern Market

Anthony Davenport. Downtown Holiday Market

Jon Miles, Downtown Holiday Market

- E. Diverse Markets has the critical and unique ability to recruit participants to a new market event, specifically for the Saturday Outdoor Market at Eastern Market because we not only have exhibitors already participating at this location on Sundays, many who would likely add Saturdays under our management, but also because we maintain a database of thousands of exhibitors in the region and beyond that we can quickly recruit for this new opportunity. While new markets usually take months to plan, position and curate, and for which we are paid to produce, because we have close relations with many exhibitors, we believe we can hasten the process and produce an active and engaging market environment within 30 days of award. Our process would entail an online market application, selection process and confirmation of professional exhibiting for new vendors, as well as recruiting current active

participants at DMM's other market venues. Additional advertising and marketing of available vending will also be employed.

II. Financial Statement

Diverse Markets Management Profit & Loss Statement for 2017 is provided as Attachment E, and a bank statement summary for January 2019, Attachment F, indicating that the Applicant is in solid financial health and has the ability to manage and operate a business.

III. Description of Operations

A. Describe how the space will look like when it is fully occupied

The market will lay out with vendor tents along the west curb of the 300 block of 7th Street. A 20 ft clear width will be open between the east curb and vendor tents, providing for vehicular access and mandatory fire lane egress. The market will provide for breaks in the row of vendor spaces in order to provide access points and pathways for customers to pass between the sidewalk and retail towards the pedestrian aisle on the street. Importantly, the street will not be fully maximized for vending. We feel this is a key opportunity to provide space for placemaking activity, seating and a central informational booth for customers to learn about the area, historic Eastern Market, and surrounding businesses. We would partner with, and support financially Eastern Market Main Street's activation of these elements including having them provide EMMS maps, work with businesses/organizations for kid's activities and other programming, contributing to a positive customer experience.

i. Space layout

Please see draft Market Layout Attachment G

ii. Breakdown of activities and where they will take place;

The Market will be structured to provide vending from Pennsylvania Ave to the loading dock of the 700 Penn building, a wide break to provide access to the market vendors of the C Street Plaza contractor, a continuation of vendors with breaks positioned in front of retail entrances and end at the building corner to the C Street Plaza. Seating will be introduced here, may include an area for performances and programming and then a 10x10 tent will be placed close to the intersection for the purposes of an Eastern Market Main Street Information booth.

iii. Mix of vendors of arts, crafts, antiques, and imported handcrafts. There shall be a maximum of three food vendors, with local competition considered when determining type and placement of food vendors;

Diverse Markets will select and curate a diverse mixture of different types of exhibitors, ranging from artists, photographers, jewelers and crafters, to imported handcraft vendors, furniture makers and antique and collectible dealers. We would also bring select packaged food vendors, such as chocolate and kettle corn, as well as bath and beauty products. We feel prepared food vendors would be excellent anchor products at the market and unique draws to the ambiance of the market but understand that they would

ideally not be sellers of a food or beverage product already located on the street. Thus, a coffee seller, for instance, would not likely be appropriate as a regularly recurring vendor. The nature of a new market however, and one with such a short contractual agreement, means that there will be turnover and vendor attrition as some exhibitors may not become regular recurring sellers and new businesses try out the market. In general, DMM strives to keep a ratio of different vendors so no one particular product category dominates the market or over competes with other vending areas.

B. *Describe methodology for managing space:*

i. *Managing vendors and ensuring that there are no cars on the street;*

Diverse Markets managers are very aware and cognizant of market rules and operations in regard to vendors quickly unloading, loading and removing their vehicle from the market street. These are market rules and are enforced. DMM does however, intend to rely on DGS for proper official “no parking” signage and District Government agencies to ticket and tow any unauthorized vehicle found parked on the street the morning of the market operation time. DMM shall obey and enforce market operational hours and the street shall be open to traffic by 6 pm each market day.

ii. *Ensuring non-residential parking for trucks;*

DMM will instruct participants to use the surface lot on the 600 block of C Street, the parking garage in 700 Penn and the use of legal metered spaces in the 500 block of Pennsylvania Ave.

iii. *Securing the entrance at 7th and Pennsylvania with vehicles;*

DMM management of the market shall include cones and bars on 7th Street at Pennsylvania Ave between 6-9am while staff monitors allows access to authorized vendors to enter the market area. At 9am, vehicles will be placed at the intersection to secure the street from un-authorized vehicles and potential terrorism activity. At 4pm or when the market selling ends, cones and monitors will again be set up. DMM will have a ROAD CLOSED sign posted at the intersection at all times.

iv. *Providing security;*

DMM management and assistants will constantly be on site and visible at the market. Management duties include providing security to guard against theft, control traffic and unauthorized vehicular activity, defuse any aggressive or inappropriate behavioral interactions, and monitor crowd control and excessive noise to the best of their abilities. DMM employees communicate via radios and contact by phone DGS staff, special police and MPD officers as needed.

v. *Maintaining relationships with brick and mortar business;*

As previously articulated, DMM principals, as well as staff, maintain good relations with area businesses and stakeholders to the Eastern Market district. As a board member on Eastern Market Main Street, principal Michael Berman is in close contact with business leaders and proactively works with brick & mortar businesses that may be affected by the market activity.

vi. *Working together with DGS to ensure signage that is in keeping with Eastern Market's signage program;*

As the RFP does not include any information regarding an Eastern Market signage program, it is impossible at this time to address this issue. However, DMM employs professional and appropriate signage at its markets, including the Sunday Flea Market at Eastern Market, that apparently is in keeping with the program. We would adjust our signage program to meet whatever need is presented.

vii. *Communicating with DGS;*

DMM shall maintain open and frequent communication with DGS, attend any meeting called upon, and provide up to date contact information of management involved with the market activity. As a local business, meeting and communicating at times other than on the Market day and time is additionally available.

viii. *Contract with vendors;*

DMM exhibitors must sign an agreement in order to participate in the market.

ix. DMM concurs that:

- Vending shall be in keeping with Eastern Market legislation;
- Space management shall be coordinated with other adjacent street markets;
- All vendors must provide proof of tax compliance.

IV. References

Madeleine Odenhal
Executive Director, Eastern Market Main Street
202-218-0092

Steve Moore
Executive Director, SouthWest Business Improvement District
202-618-3535

Neil Albert
Executive Director, Downtown DC Business Improvement District
202-638-3232

V. Licensure Status

Please find attached and attested to compliances

- 1) Proof of District of Columbia Citywide Clean Hands Certification (Attachment B)
- 2) Proof of DC Certificate of Good Standing. (Attachment C)
- 3) Proof of DC Business License (Attachment D)
- 4) Proof that individual/firm/organization is not precluded from obtaining a license or permit pursuant to D.C. Code §47-2862. DMM does not owe any taxes, fines or license fees, as evidenced by the Clean Hands Certificate (Attachment B).

ADDENDUM

Applicant desires to take exception to certain terms and conditions identified in Section C.

- 1) Applicant does not accept the minimum license fee of \$3300 /month to operate the site as an Outdoor Market. Applicant asserts there should be no license fee required for the following reasons:
 - a) Markets take time to plan, organize and start-up. This pre-planning activity is a considerable time and financial investment in the market. Typically, a market operator is paid a fee in the range of \$25,000 to start a market of this size and duration; build a system for operating; build a web presence; recruit interest; create, distribute and review an application process; plan and curate programming elements; create signage and promotional material; and promote the launch of the market. In this case, no planning fee is being considered, but the investment should be considered in lieu of any rental fee.
 - b) March is a bad month to start and operate a market. DGS, as well as the surrounding community, desires a market operator start as soon as possible, which would imply March. However, March is typically still a winter weather month. As such, very little vending would occur as most vendors do not wish to operate in cold, windy weather and very few customers are present. Although an open-to-traffic street is not desired at all, trying to start and maintain market activity in March is a burden very few operators could overcome, and certainly would not earn enough revenue to cover costs from. Therefore, no rental fee should be charged in March, nor for any first month of operations.
 - c) The site cannot be maximized for vendor use and revenue. There are considerable operational disadvantages to the space that prevent a market operator from maximizing its use and thus revenue potential as envisioned in the RFP. Chief among them is the continued operator on the C Street Plaza. Without coordination, planning and consent to work in good faith, the operator of C Street Plaza market can do considerable harm to operations, demanding access to 7th Street for vendor vehicle access; contractual use and prioritization access to the 7th Street loading dock; signage, promotional material and confusing branding of adjacent markets; conflicting set-up and break down activity at the intersection area of 7th and C Streets; and most importantly, a well-known control of their vendors, disallowing them from participating in other markets, even if they were previously located on this market street. This unfairly disadvantages the market operator from recruiting vendors that may desire to re-locate. Therefore, much less revenue can be assured than what the Appraisal purports to represent.
 - d) The site should not be maximized for vendor use and revenue. As discussed in the Description of Operations above, we believe that the best use and optimal activation of this public space is to provide not just market activity, but also place-making utilization; including plenty of seating and bistro tables, performance and programming areas, as well as informational stations and way-finding. Further, deference to the brick & mortars should be accommodated, as the RFP alludes to, whereby market vendors not only not compete with stores, but also not block their entrances as much as possible. For this reason, there would not be 32 spaces for vending, but rather 20 - 25, as roughly drafted in

the proposed Market Layout (Attachment G). While that projected revenue is diminished, and not supportive of suggested rental fee terms, there are additional costs to providing that place-making. These costs would have to come from DMM earned revenue. Additionally, despite less vendors in favor of placemaking, on-site staff will stay the same. Safety, operational management, security requirements, as well as managing programming and place-making activity, require the staff levels remain, keeping operational expenses high.

- e) The Appraisal is flawed. The RFP mis-interprets the findings contained in the Eastern Market Appraisal Report of 2017 in order to justify the inflated license fee rate of \$3,300 / month, the maximum supported rental price in the report. The appraisals findings were summarily rejected by the operators in the reports focus as being misinformed, filled with faulty assumptions and unaccountable leaps of logic. The report was also rejected by the EMCAC. The Appraisal Report by the same firm for the South Hall merchants was even thrown out by all parties, including DGS, as being unsupported and unsubstantiated. Further, the Appraisal assumptions for such a fee were based on conditions for the street and surrounding environment that are no longer the same, nor accurate. Thus, listing the license fee at an incomparable number, with a suspect and blemished supporting document is unjustifiable.
 - f) DGS incurs no costs. Because the RFP attachment DDOT Permit For Eastern Market verifies that DGS has a permit for the 300 block of 7th Street for markets and its meter fees are waived, and further since it is of public record that both the 300 block and 200 block of 7th Street is closed by Mayoral Order on weekends, there is no cost to DGS for occupying or sub-licensing the street to a market operator for market activity. As the license further proclaims that Licensee is responsible for all operation costs, DGS, the Licensor, incurs absolutely no costs, but reaps huge benefits in licensing an operator for an Outdoor Market. Therefore, no license fee should be required, as it performs a public benefit, the street is closed regardless, and DGS bears no cost that must be reimbursed or subsidized.
- 2) Applicant does not accept the limitation of a six-month term. No reason is given for this seemingly arbitrary deadline, no option for renewal offered and the end date of this term is now staggered with the Sunday license. Further, the expense, investments, energy and work in creating a market only to end in six months is cruel not only to the operators, but also the vendor participants and to the customers and public. How do you advertise a market to draw in customers but say “it ends in 6 months?” Additionally, what vendor might take a chance on a new market or take a chance leaving the market they already participate in for a market that might cease in six months? This puts the operator at a severe disadvantage in recruiting and maintaining a well-rounded exhibitor base.

Applicant asserts that the term should include automatic renewals or options to renew. DGS should also consider no market operations for 7th Street in January and February in the future, as evidenced in the low turnout in winter.

- 3) Applicant does not accept the “sole use of the space shall be as an Outdoor Market with locally made arts and crafts, antiques and imported handcrafts from other countries”. While we agree those are some of the optimal vendor participants; neither limiting categories of participants, nor preventing the option for non-sales uses makes sense and limits the ability to provide the highest and best public use of the street.

Applicant asserts the use of the space may include other type of participants and other synergetic, ancillary uses that can enhance the market and customer experience.



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ATTACHMENTS

- **ATTACHMENT A: DMM Flea Market at Eastern Market Rules and Regulations**
- **ATTACHMENT B: DMM Certificate of Clean Hands**
- **ATTACHMENT C: DMM Certificate in Good Standing**
- **ATTACHMENT D: DMM Basic Business License**
- **ATTACHMENT E: DMM Profit & Loss Statement**
- **ATTACHMENT F: DMM Bank Statement Summary**
- **ATTACHMENT G: DMM Market Layout**
- **ATTACHMENT H: DGS Form S-103 Offeror's Acknowledgement Form**
- **ATTACHMENT I: RFP Summary Sheet**