

DANIEL R. GARODNICK
COUNCIL MEMBER, 4TH DISTRICT

DISTRICT OFFICE
211 EAST 43RD STREET, SUITE 2004
NEW YORK, NY 10017
(212) 818-0580
FAX: (212) 818-0706

CITY HALL OFFICE
250 BROADWAY, ROOM 1841
NEW YORK, NY 10007
(212) 788-7393
FAX: (212) 442-1457

garodnick@council.nyc.gov



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Via U.S. Mail and Facsimile

June 2, 2009

Alan Aviles
President
Health and Hospitals Corporation
125 Worth Street
New York, NY 10013

Dear Mr. Aviles:

I write to you today regarding the current Request for Proposals (RFP) issued by the Health and Hospitals Corporation (HHC) for a sit-down style restaurant concession at Bellevue Hospital.

The RFP follows the awarding of a concession for the main floor kiosk at Bellevue Hospital to Au Bon Pain in June 2008 and recent concessions awarded to Au Bon Pain at Jacobi, Elmhurst and Coney Island Hospitals. In light of this trend toward one particular concessionaire, I am more concerned by a Daily News report from November 2008 that HHC had already begun talks with Au Bon Pain concerning concessions at Bellevue Hospital¹ months before an RFP had been issued. Such negotiations, prior to the issuance of an RFP, raise obvious questions about the level of consideration given to Au Bon Pain's competitors.

At least one of Au Bon Pain's competitors is now objecting to the kiosk contract claiming that Au Bon Pain was selected despite failing to meet some of the minimum requirements expected of all other applicants.

¹ Block, D. (2007, November 13) "Jacobi Medical Center toasts introduction of Au Bon Pain." *New York Daily News*. Retrieved from <http://www.nydailynews.com/index.html>.

I have also heard from constituents, including the Bellevue Community Advisory Board (CAB), who are upset that they were not consulted regarding the awarding of the kiosk contract to Au Bon Pain. According to a resolution passed by Bellevue's CAB, employees, patients and the local Bellevue community believe that Au Bon Pain does not have the same level of affordable, healthy options compared to the former provider. HHC should take these concerns very seriously, especially in its upcoming selection process for the Bellevue sit-down style concession.

I would not ordinarily get involved in such a matter, but the fact that issues have been raised both by a competitor and by the local community tells me that the situation warrants closer review. I ask that HHC provide my office with the rating sheets and the Recommendation of Award relating to the selection of Au Bon Pain for the Bellevue kiosk. Additionally, as the current RFP closes and proposals are considered, I strongly encourage HHC to take steps to ensure that this RFP process is conducted *transparently*, with public consultation and with the general preferences of the hospital and local communities in mind.

I would greatly appreciate your prompt response to this matter. Should you have any questions or concerns, please do not hesitate to contact me directly.

Sincerely,

A handwritten signature in black ink, appearing to read 'Daniel R. Garodnick', with a long horizontal flourish extending to the right.

Daniel R. Garodnick