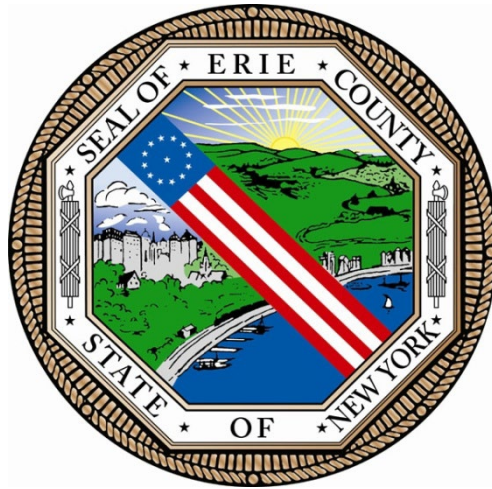


January 2026

**Analysis of the Department of Parks, Recreation and Forestry
Concessions Bid Process & Contract Management for the Period of
January 1, 2023, through September 1, 2025**



KEVIN R. HARDWICK
ERIE COUNTY COMPTROLLER

**HON. KEVIN R. HARDWICK
ERIE COUNTY COMPTROLLER'S OFFICE
DIVISION OF AUDIT & CONTROL
95 FRANKLIN STREET
BUFFALO, NEW YORK 14202**

January 23, 2026

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Honorable Members:

The Erie County Comptroller's Office, Division of Audit and Control, has completed an analysis of the Erie County Parks Department's procurement and contract administration practices for concessions operations at Grover Cleveland Golf Course, Elma Meadows Golf Course, and Chestnut Ridge Park for the period January 1, 2023, through September 1, 2025. This review focused on compliance with Erie County's and New York State's procurement requirements for revenue-generating request for proposals (RFPs), contract execution, and ongoing contract monitoring.

METHODOLOGY

To accomplish these objectives, the Comptroller's Office conducted inquiries of Parks Department personnel; reviewed solicitation documents, proposals, contracts, legislative records, and related correspondence; and analyzed concession payment data. Deposit information recorded in SAP under general ledger account 420500 was extracted and reviewed for the period January 1, 2023, through September 1, 2025. Relevant County and New York State procurement and accounting policies and guidelines were also reviewed to identify applicable requirements and recognized best practices.

REPORTING AND COMMUNICATION

A draft of this report was provided to the Department of Parks, Recreation and Forestry and the Division of Budget and Management for their review. Their comments were considered in finalizing this report. Any formal response received is included in Appendix A.

SUMMARY

In conducting this analysis, it is important to recognize that revenue-generating RFPs operate differently from traditional expense-based procurements. The County does not maintain a procurement policy specifically addressing revenue-generating solicitations. Existing County procurement guidance references applicable provisions of New York State General Municipal Law (GML) and State Finance Law but does not establish

detailed procedures tailored to this procurement type. In the absence of clear, documented County procedures most directly applicable to this analysis, the review relied on relevant guidance issued by New York State as a recognized benchmark for best practices.

Specifically, this analysis references the New York State Procurement Guidelines, developed by the NYS Procurement Council (chaired by the Commissioner of General Services), which interpret and provide implementation guidance related to GML §§103 and 104 and State Finance Law §163 governing municipal procurement activities. These guidelines offer a practical framework for conducting fair, transparent, and well-documented procurement processes and are commonly used by local governments to inform internal controls where local policy is limited or silent. The recommendations in this report are grounded in these established best practices and are intended to support consistency, accountability, and defensible decision-making in the administration of revenue-generating agreements.

Under the New York State Procurement Guidelines, departments issuing RFPs for revenue contracts are afforded greater flexibility in evaluating proposals, negotiating terms, and structuring financial arrangements. Unlike expense-based procurements where strict adherence to specifications and competitive pricing are required to ensure best value, revenue RFPs allow the County to consider qualitative pricing factors, operational benefits, and negotiated financial models that support broader service objectives.

This framework acknowledges that revenue contracts often involve unique operational circumstances and variable market conditions and therefore permits municipalities greater latitude to negotiate terms after proposals are received, provided the process remains fair, transparent, and well-documented. The observations and recommendations in this report are presented within this policy context and are intended to support continued alignment with the State's established standards for revenue-generating procurements.

The Department demonstrated commitment to maintaining concessions services and adhered to several core procurement requirements, including public advertisement of solicitations and timely initiation of procurement processes. The analysis also identified opportunities to strengthen documentation, consistency, and contract administration practices to more fully align with recognized best practices.

RESULTS AND RECOMMENDATIONS

1. RFP Compliance and Vendor Responsibility Documentation

New York State's Procurement Guidelines for revenue-generating RFPs emphasize the importance of awarding contracts to responsive and responsible proposers and maintaining documentation supporting these determinations. While the policy allows greater flexibility than traditional expense-based procurements, it also anticipates that departures from solicitation requirements and responsibility determination will be supported by clear, contemporaneous documentation.

The review identified instances where proposals varied from the RFP's stated requirements such as alternative pricing structures or incomplete submissions without corresponding documentation explaining the basis for acceptance. In procurements where only one proposal was received, the evaluation process did not

consistently reflect enhanced due diligence, which is encouraged under State policy to ensure that limited competition does not reduce the County's assurance of best value.

Historically, concessions agreements and RFPs were structured around a flat annual fee payable to the County on defined dates, providing predictable revenue and facilitating straightforward payment monitoring. However, the Parks Department accepted proposals that materially altered this structure by substituting a percentage of gross sales payment model without amending the solicitation or documenting a justification for the change. This shift reduced revenue predictability and increased reliance on vendor-reported sales data to determine amounts owed. Compounding this risk, executed agreements did not require detailed transactional documentation necessary to independently verify gross sales, thereby limiting the County's ability to ensure accurate payment.

In three of the four RFPs reviewed, only one proposal was received. In these instances, documentation demonstrating heightened due diligence commensurate with the reduced level of competition was not consistently evident. In one case, the application from Corie's Catering (Bowl Inn, Inc. DBA Abbott Lanes) was missing required information but was nonetheless accepted, though a contract was never executed due to post-award modification requests. In another case, the proposal from The 19th @ Grover Grill, LLC substituted a percentage-of-sales payment model, which the Department acknowledged was not their standard practice. In the third case, the proposal from Legacy Entertainment and Hospitality Group, LLC appeared complete and compliant, but the vendor has not remitted any payments to date. This final example highlights the challenges of the review process and inherent uncertainties, not a lack of due diligence on behalf of the Parks Department.

The analysis also identified inconsistencies in documenting vendor responsibility prior to award. For example, in 2023, the Parks Department accepted a proposal from a bidder that indicated the proposed limited liability company (LLC) would be formally registered only if the contract were awarded. The LLC was officially formed on March 11, 2023, following receipt of an award notification dated March 8, 2023. While the contract was not executed until after the LLC was legally formed, the procurement file did not include documentation demonstrating that management assessed and accepted the interim risk associated with selecting an entity that was not yet legally established. One way of completing this documentation would be to include language in the acceptance letter that execution of an agreement is contingent upon confirmation of entity status.

Collectively, these conditions weakened assurance that concessionaire proposals awarded complied with applicable procurement standards, reduced transparency in the competitive process, and increased the County's exposure to legal, financial, and operational risk, thereby undermining the defensibility and integrity of concessionaire procurement decisions.

RECOMMENDATION:

The Parks Department should strengthen procurement controls to ensure that concessions contracts are awarded only to responsive and responsible bidders. The Parks Department could strengthen documentation practices by:

- Conducting and recording formal responsiveness reviews prior to evaluation.
- Documenting determinations when deviations are considered non-material or when solicitation terms are adjusted.
- Completing and retaining responsibility assessments, including verification of legal entity status and operational readiness.

To further align with New York State Procurement Guidelines, the Parks Department may enhance its responsibility determinations by incorporating a more structured review of vendor operational readiness. Operational readiness refers to a proposer's demonstrated ability to begin performance on the contract start date, including staffing, equipment, financial capacity, and organizational preparedness. Because revenue-generating RFPs allow for greater flexibility in evaluating qualitative factors, the County may reasonably request documentation that supports a vendor's readiness to perform.

Practices that may be incorporated into future solicitations and procurement files include:

- Readiness Questionnaire - A brief, standardized questionnaire can be included with the RFP or requested during evaluation. It may address staffing availability, equipment procurement, supply chain arrangements, and anticipated start-up timelines.
- Start-Up or Mobilization Plan - Vendors may be asked to provide a short plan describing how they will prepare for operations, including hiring, training, inventory acquisition, and any required inspections or permits. This is particularly useful for seasonal concessions.
- Verification of Legal Entity Status - Confirming that the proposing entity is legally formed at the time of award or documenting the County's acceptance of any timing considerations supports a clear and defensible responsibility determination.
- Financial Capacity Documentation - Evidence of the vendor's ability to sustain operations during the start-up period may include a bank letter, recent financial statements, or a simple attestation of available capital. For small businesses, a streamlined approach is appropriate.
- Interviews or Site Visits (Optional) - A brief interview or virtual site visit can help confirm operational experience and readiness. This is permissible under County policy as long as it is applied consistently across proposers.
- Verification of Required Licenses, Permits, and Insurance - Ensuring that required documents are in place, or can be obtained before operations begin, helps prevent delays and supports compliance.
- Documented Responsibility Determination - A short memo summarizing the Department's review of readiness materials can be placed in the procurement file. This documentation supports transparency and demonstrates adherence to County policy.

Implementing these practices would strengthen the County's ability to assess vendor capability, reduce the risk of operational delays, and enhance the defensibility of award decisions under the flexible framework provided for revenue-generating RFPs.

2. Evaluation Process Consistency and Legislative Communication

New York State Procurement Guidelines encourage objective, well-documented evaluation processes for revenue-generating RFPs. The review identified opportunities to improve consistency in scoring documentation and to enhance conflict-of-interest safeguards. In one instance, an evaluator was listed as a reference by a proposer. Although no impropriety was identified, the absence of a documented recusal or conflict review created the appearance of a potential conflict.

Additionally, communications to the Legislature supporting contract approval did not always include full context regarding vendor performance under other County agreements. Providing complete information supports informed legislative decision-making and strengthens transparency. Specifically, a recommendation to award concessions at a second park cited a “successful working relationship” with the existing vendor, even though the vendor had been under contract for a limited period, had operated concessions for approximately four months, and had not remitted required monthly payments at the time of the legislative request. The omission of this context resulted in an incomplete and unbalanced depiction of vendor performance and limited the Legislature’s ability to fully assess operational and financial risk when authorizing concession agreements. Further, the scoring sheet submitted to the Legislature erroneously showed three bidders when only two bidders existed. The Parks Department stated that this was a mistake on the form but there is no documentation to support if the error was communicated to the Legislature for full disclosure.

Taken together, these conditions weakened governance safeguards, reduced transparency, and increased reputational risk to the County.

RECOMMENDATION:

The Parks Department should strengthen evaluation governance controls to preserve objectivity, transparency, and public confidence in their Request for Proposal (RFP) process. Some suggestions for improvement include:

- Implement a standardized conflict-of-interest disclosure process for evaluation committee members, including documentation of recusals when appropriate.
- Update future RFPs to explicitly state that County employees may not be used as references by proposers. This clarification would prevent the appearance of undue influence, protect employees from being placed in an evaluative role, and reinforce the objectivity of the RFP process.
- Consider anonymized proposal scoring where feasible to further reduce the risk of real or perceived bias.
- Review evaluation materials for accuracy and consistency before submission to internal reviewers or the Legislature.
- Ensure legislative communications include relevant performance history, including payment timeliness and operational compliance, to support balanced and informed oversight.

These measures would reinforce confidence in the RFP process, strengthen transparency, and align evaluation practices with the expectations of New York State Procurement Guidelines.

3. Contract Execution and Clarity of Terms

County policy requires that executed contracts accurately reflect the terms of the approved proposal and include clear, complete provisions. The analysis identified instances in which executed concessions agreements differed from the terms outlined in the approved proposals or contained incomplete or ambiguous provisions. Specifically, differences were noted in financial reporting requirements, contract term language, and execution dates. In addition, one agreement omitted the late-payment penalty provision.

These indicate that contracts were not consistently subjected to a comprehensive review for completeness and accuracy prior to execution. As a result, ambiguities in contract terms weakened enforceability and created uncertainty regarding financial reporting requirements, payment obligations, and the remedies available to the County.

RECOMMENDATION:

The Parks Department should work with the Law Department to strengthen controls over contract drafting and execution to ensure that executed concessions agreements accurately reflect approved proposal terms and include clear, complete, and internally consistent provisions. Suggestions for improvement include:

- Utilize standardized contract templates aligned with County policy for revenue-generating agreements.
- Conduct a documented pre-execution review to ensure consistency, clarity, and completeness.
- Periodically update templates and checklists to reflect evolving operational needs.

Strengthening contract execution practices would improve enforceability, reduce administrative uncertainty, and better protect the County's financial and operational interests.

4. Contract Monitoring and Revenue Assurance

Effective monitoring and enforcement are essential for revenue-generating contracts. The review found that payment due dates, supporting documentation requirements, and enforcement of late-payment provisions were not always consistently applied. In some cases, payments were late or not received, and penalties were not assessed or were unavailable due to contract structure.

As of December 17, 2025, two concessionaires had outstanding balances owed to the County.

At Grover Cleveland Golf Course, The 19th @ Grover Grill, LLC ("Grover Grill") failed to remit payments for July through October 2025 under an agreement requiring monthly payments equal to 5% of gross sales revenue. Because the agreement did not require detailed transactional records to verify sales, the Auditor applied professional judgment to estimate amounts owed by analyzing the percent change in reported sales from 2023 to 2024 and applying that trend to 2025 activity. Based on this methodology, Grover Grill is estimated to owe \$1,058.55 in unpaid revenue, in addition to \$1,750 in late-payment penalties (\$250 per month) authorized under the agreement. This agreement was terminated in November 2025 due to non-payment.

At Elma Meadows Golf Course, Legacy Hospitality and Entertainment Group, LLC (“Legacy Hospitality”) failed to remit any rental payments during the 2025 operating season. Under the agreement, monthly rent of \$1,250 was required; however, the contract did not include a late payment penalty provision. Based on the language of the agreement, the Auditor concludes that Legacy owes \$10,000 in unpaid rent. The absence of a late-fee provision limited the County’s ability to assess penalties or otherwise incentivize timely payment. The agreement was terminated in December 2025 due to non-payment.

At Chestnut Ridge Park, Grover Grill (the same vendor under contract at Grover Cleveland Golf Course) failed to remit payments for February through April 2025. With only one prior year of sales data available, the Auditor estimated amounts owed using payments made during the same months in the prior year. Based on this conservative estimate, approximately \$481.30 remains unpaid, along with \$750 in contractually authorized late-payment penalties. The agreement was terminated in January 2026 due to non-payment.

RECOMMENDATION:

The Parks Department should develop formal, written procedures governing the collection and monitoring of concession revenue. These procedures should clearly outline the steps to be taken when payments are late, incomplete, or when other contractual terms are violated. Incorporating this guidance directly into future concession agreements through defined payment schedules, explicit due dates, and clear remedies would strengthen enforceability and reduce ambiguity for both the County and concessionaires.

To support consistent administration across all concessions, the Department should consider the following actions:

- Develop procedures for revenue collection, including the specific steps to be taken when payments are late or when other contract terms are not met. These procedures may also be incorporated as standard language in future contracts.
- Establish standardized payment schedules and documentation requirements for all concession agreements.
- Track payment timeliness and apply late-payment provisions consistently when authorized under the contract.
- For percentage-of-sales agreements, require transaction-level sales documentation and conduct periodic verification to ensure reported revenues are accurate.
- Consider minimum-guarantee or hybrid fee structures to promote predictable revenue and reduce reliance on vendor-reported sales.

Implementing these measures would enhance revenue assurance, promote consistent contract administration, and strengthen internal controls across the concessions portfolio.

It should be noted that, upon finalizing the draft report, Parks Department staff informed us that certain changes have already been implemented to address late-payment issues. This proactive response reflects a positive step toward improving revenue oversight and contract compliance.

CONCLUSION

The Department of Parks, Recreation and Forestry has taken meaningful steps to maintain concession operations and comply with core procurement requirements. The opportunities identified in this analysis primarily relate to strengthening documentation, improving consistency, and enhancing internal controls to better align with New York State Guidelines for revenue-generating RFPs. Implementing the recommendations outlined above would enhance transparency, support defensible procurement decisions, and improve the County's ability to administer concessions agreements effectively and reliably.

While this analysis was being conducted, the Parks Department revised several internal processes to better align with State and County policy and best practices for concessions procurement and oversight. These changes demonstrate a proactive response to issues identified during the review and reflect management's commitment to strengthening controls.

Parks Personnel reported several changes to the Request for Proposals (RFP) documents and associated processes, including the following:

Updates to RFP Documents and Process

- Proposals will require annual fee amounts, payable in two equal installments. No alternative payment structures will be accepted.
- RFPs will clearly state payment due dates and will include late payment penalty provisions.
- A certificate of incorporation will be required prior to acceptance of any proposal.
- Erie County employees may not be listed as references for bidders.
- An internal review process will be implemented to ensure accuracy and completeness of RFPs prior to approval.

Improvements to Monitoring of Concessions Operations

(Implemented as of December 1, 2025)

- Park Superintendents will submit daily status reports via email to monitor compliance with mandatory operating hours.
- A centralized document will be maintained to compile and track these daily reports throughout the operating season.

Future Monitoring Enhancements

(Beginning in 2026)

An automated payment reminder system will be implemented as a courtesy to vendors. Notifications will be sent:

- 30 days prior to the payment due date.
- 3 business days after the payment deadline; late payment fees will be assessed at this time.
- 10 business days after the payment deadline, the Legal Department will also be notified at this time.

Chestnut Ridge Park update

- The Parks Department has elected to install Crickler Vending machines at Chestnut Ridge Park to provide year-round snack and beverage options for park patrons.
- An existing agreement between Erie County and Crickler provides for the collection of payments and the submission of monthly sales reports.

Taken as a whole, the corrective actions implemented and planned by the Parks Department are reasonable, appropriately scaled, and responsive to specific issues recently faced in the concession RFP and contract process. Continued emphasis on documentation, consistency, and monitoring will further strengthen procurement integrity, reduce financial and operational risk, and support sustainable management of the County's concessions program.

Cc: Hon. Mark C. Poloncarz, Erie County Executive
Mark Cornell, Director, Division of Budget and Management
Jeremy Toth, Erie County Attorney
Troy Schinzel, Commissioner, Department of Parks, Recreation and Forestry
Erie County Legislature

APPENDIX A

Response received from the Department of Parks, Recreation and Forestry.



COUNTY OF ERIE

DEPARTMENT OF PARKS, RECREATION AND FORESTRY



JAMES K. McDONALD
DEPUTY COMMISSIONER OF PARKS

TROY P. SCHINZEL
COMMISSIONER

NICOLE RUBERTO
DEPUTY COMMISSIONER OF RECREATION

January 22, 2026

Honorable Kevin R. Hardwick
Erie County Comptroller's Office
95 Franklin Street, Room 1100
Buffalo, New York 14202

**Re: Analysis of the Department of Parks, Recreation & Forestry Concessions Bid Process
& Contract Management for the Period of January 1, 2023 through September 1, 2025 (the
"Analysis")**

Dear Comptroller Hardwick,

We thank you and your team for your thorough review and thoughtful recommendations related to concessions operations at Elma Meadows Golf Course, Grover Cleveland Golf Course, and Chestnut Ridge Park. The following is the Erie County Department of Parks, Recreation & Forestry's comments to your Office's Analysis Report dated January 23, 2026 (the "Report"). We thank you for the opportunity to comment on the Report and respond to matters and issues identified therein.

Many municipalities face difficulties with concessions at public facilities. Considering the seasonality of recreational operations, concessionaires often struggle to bring in enough consistent revenue, reliable staffing, and to maintain inventory. Many of our past vendors have not had success, which has led to terminated or non-renewed contracts.

While concessions are intended first and foremost to provide accessible services to park patrons, rather than generate a significant source of revenue, the Department acknowledges its responsibility to practice sound financial and procurement oversight. We note that concessions at public facilities is a tough business, and, after many unsuccessful concessions contracts, we considered the percentage-based proposal submitted by The 19th at Grover Grill ("Grover Grill") for RFP #2023-042VF at Chestnut Ridge. Grover Grill submitted a simple menu with affordable prices, which the scoring committee felt would be most successful in our parks. In the future, only proposals with a flat annual fee will be considered.

We take the matters of non-payment and failure to adhere to agreed-upon hours seriously. Agreements with prior concessionaires were terminated for these same issues in 2023. Prior to the commencement of the Analysis, our Department had already taken steps to address these issues with Legacy Hospitality ("Legacy") and Grover Grill and to implement changes going forward. Our office frequently communicated with both Grover Grill and Legacy regarding their hours of operation and past-due payments. Additionally, Department staff requested, on multiple occasions, that Grover Grill provide financial documentation to support the percentage of gross sales payment. The Legal Department was contacted in September for assistance with these matters.

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COUNTY OF ERIE

DEPARTMENT OF PARKS, RECREATION AND FORESTRY



JAMES K. McDONALD
DEPUTY COMMISSIONER OF PARKS

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NICOLE RUBERTO
DEPUTY COMMISSIONER OF RECREATION

As recognized in the Report, we have already taken steps to improve and streamline the RFP process and contract monitoring going forward, including but not limited to, an automated payment reminder system with clearly articulated due dates, late penalty provisions included in all RFPs, enhanced internal reviews, and documentation of daily concessions status of operations.

We will use your Report as an opportunity to continue to improve our RFP process and contract oversight practices, in an effort to advance transparency, accountability, and service to the community.

Sincerely,

Troy P. Schinzel
Commissioner of Parks, Recreation & Forestry