

## 1 Broadway Market Easter Vendor Application Spring 2020

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Dear Prospective Easter Vendor:

Thank you for your interest in becoming an Easter vendor at the Broadway Market. The Broadway Market is the City of Buffalo's Public Market, owned and operated by the City of Buffalo.

Please review the Rules and Regulations in section five to determine whether you can make the commitment to become an Easter vendor. Complete this application and return it to the market along with the following documentation. If your product fits within the offerings of the market you will be contacted for an interview.

A signed Indemnification and Insurance form (attached)

1. Permits (if required by City, County or State)
2. Sales Tax Certification
3. If you **were not** a vendor during the 2018/2019 season, you **must** provide pictures of your products, a picture of your display or call the office to arrange for a review of your proposed products.
4. Insurance will be required once application is approved.  
If selected as an Easter vendor you will then have to provide the following proof of general liability insurance in the sum of at least \$1,000,000 per occurrence and \$1,000,000 per loss or damage by reason of vendor's activities in connection with vendor's business activities at the Broadway Market. You will not be able to open without this. Please refer to Section Three.

Please note, Empire State Development, in collaboration with the City of Buffalo, is reviewing recommendations for the Broadway Market. Vending options may change for next year.

Sincerely,

Broadway Market Management Office

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**Section 1: BUSINESS INFORMATION**

Applicant Name \_\_\_\_\_  
D/B/A Trade Name \_\_\_\_\_  
Type of Business \_\_\_\_\_  
EIN#/Federal Tax ID# \_\_\_\_\_

**Section 2: CONTACT INFORMATION**

Business Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_  
Home Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_  
Email \_\_\_\_\_ Website \_\_\_\_\_  
Telephone \_\_\_\_\_ business \_\_\_\_\_ cell \_\_\_\_\_

**Section 3: INSURANCE INFORMATION**

Provide proof of general liability insurance in the sum of at least \$1,000,000 per occurrence and \$1,000,000 per loss or damage by reason of vendor's activities in connection with vendor's business activities at the Broadway Market. The certificate of insurance shall have the City of Buffalo designated as certificate holder, with a mailing address c/o City of Buffalo Management office at Broadway Market, 999 Broadway, Buffalo, New York 14212. The description of operations box on the general liability certificate of insurance shall state "The City of Buffalo is named as additionally insured on the named insured's general liability policy in connection with liability and damages arising out of the named insured's business operations at the Broadway Market, 999 Broadway, Buffalo New York."

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#### Section 4: Payments

March 26, 2020 - April 13, 2020	\$1,500	10 x 10 tenant space on the main floor
	\$1,200	10 x 10 tenant space on the 2 <sup>nd</sup> . floor atrium

All payments will be handled directly through the City of Buffalo's Audit and Control Department. Do not send a check with this application. No checks will be accepted at the market's management office.

All vendors will be set up with a customer number through the City of Buffalo's Audit and Control Department. Vendor will then receive an invoice through this department. Checks should be made out to the City of Buffalo and mailed to the address on invoice: Room 117 City Hall, 65 Niagara Square, Buffalo New York 14202. Please include invoice number on check.

Payment in full is due by March 1, 2020. If payment is not received you will not be able to open.

Payments are non-refundable

#### Section 5: Rules and Regulations

1. All Easter vendor stands must be staffed during the entire Easter Season (calendar attached). Please make sure you make arrangements in case of an emergency. First floor Easter vendors, excluding those set up in the food court area, must be open on April 13, 2020, Dyngus Day, from 9:00 am – 5:00 pm.
2. Vendors must keep their stands attractive and clean. Garbage and recyclables must be disposed of promptly and should not be visible to customers.
3. Vendors will no longer be able to cover tables with tarps.
4. All vendor merchandise must be contained within the footprint of the rented space. Utilization of adjoining or unused areas is prohibited.
5. Display requirements to enhance the customer experience:
  - a. Unless a variation is approved in advance, all tables & displays must use either a white or black table cloth/skirting.
  - b. All vendors should plan to bring their own tables, chairs and any other equipment.
  - c. Tenting – By Management approval only.
  - d. Nothing may be hung; displayed or positioned that will block customer views. A clear field of vision must be maintained. All signage and/or banners must be approved by the Broadway Market Management office. Typical banner size is 2' x 6'.
6. All signage must be professional in look and appearance and be approved by management. No handwritten signs are allowed.
7. Your space cannot be sublet.

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8. The following items are not allowed to be sold by an Easter vendor: Butter Lambs, Charlie Chaplins, Chocolate Dipped Strawberries, Chrusciki, Horseradish Mustard, Horseradish Cocktail Sauce, Tee-Shirts (business related or otherwise unless 100% of business is tee-shirt sales).  
You cannot bring materials or products that were not included (and approved) on your application. There will be daily checks of your application and goods for sale and you must have sufficient product available throughout your stay. Violations could result in your removal from the market.
9. Megaphones or horns are not permitted.
10. PERSONAL CELL PHONE USE: Please have a cell phone policy in place for employees. Cell phones should be used for customer purchases only
11. All persons under 18 years of age must be supervised by an adult at all times.
12. The Broadway Market and its management are not responsible for the loss of product or injuries. Vendors are responsible for their own security within their stands.
13. Loading docks are extremely busy – please use them and promptly move your vehicle. Parking spaces are available throughout the garage.
14. NOTHING can be hung or affixed to Market walls without permission.
15. No solicitations or raffles.
16. EASTER VENDORS MUST BE OPENING FOR DYNGUS DAY, 4/13/2020 FROM 9:00 am - 5:00 PM (unless you are located in the atrium or food court area) No vendor will be allowed to take down displays on Dyngus Day.
17. A \$200 fine will be imposed for any violation of Market's rules.

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YES	NO		OFFICE USE
		Completed application	
		List of products being sold	
		Pictures of products and display (if required)	
		Current general liability insurance certificate <b>ADDITIONAL INSURED MUST READ: <i>City of Buffalo, Broadway Market, 999 Broadway, Buffalo, New York 14202</i></b>	
		Signed Insurance Indemnification	
		Copy - Health Inspection Certificate – if you are in the food business	
		Copy – Sales Tax Id Certificate	
		Copy – Business Certificate (filed with County or State)	
		Electricity – Normal	
		Electricity – Cooking, refrigeration (May require additional charge)	
<b>INITIAL BESIDES EACH ITEM and SIGN BELOW</b>			
		1. I have read the application & rules and agree to abide by all management decisions.	
		2. I understand and agree that I have sole responsibility for storage, loss, theft and damage to my stand and its contents.	
		3. I understand that the location of the stand is solely at the discretion of management and may be moved. I understand my tenancy can be canceled for violation of any rules or management request.	
		4. I understand that Market management reserves the right during the entire tenancy to inspect products and to compel their removal for any reason.	
		5. I understand that failure to follow the rules could result in substantial fines, payable before removing product from the Market.	

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**Rent Amount:** \_\_\_\_\_ **Electric Charges** \_\_\_\_\_

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- **\* Vendor Space number** \_\_\_\_\_ **Square footage** \_\_\_\_\_
- **\* Your location may change if a new or existing permanent vendor requires the space.**
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**By signing below you agree to the Rules and Regulations outlined in Section 5 and to the required days and hours as listed on the calendar.**

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Date Application Received** \_\_\_\_\_

**Signature of Market Manager** \_\_\_\_\_

**Date Approved** \_\_\_\_\_

**If not approved reason** \_\_\_\_\_

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**BUSINESS NAME:** \_\_\_\_\_

**SPACE:** \_\_\_\_\_

**PRODUCT FOR APPROVAL**

Products must be approved in advance by the office. **PLEASE BE SPECIFIC** – example: candy is not specific enough, plants is not specific enough etc. This list will be checked for compliance. Your adherence to the list will insure a smooth operation for everyone.

PRODUCT	DESCRIPTION – PHYSICAL AND UNIQUE CHARACTERIST	% OF YOUR TOTA L	APPROVED		COMMENT
			YES	NO	

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Date \_\_\_\_\_

City of Buffalo  
Office of Strategic Planning  
Attention: Christie Nelson  
65 Niagara Square  
920 City Hall  
Buffalo, New York 14202

RE: Indemnification and Insurance Seasonal Tenant at Broadway Market

Vendor Name: \_\_\_\_\_

**SUBJECT: INDEMNIFICATION AND INSURANCE**

\_\_\_\_\_ ("Easter Tenant"), as partial consideration for being allowed to begin or continue Tenant's seasonal tenancy at the Broadway Market, is hereby agreeing to provide and does hereby provide to the City of Buffalo the following indemnification and insurance. The Tenant acknowledges that the City of Buffalo is the owner of the Broadway Market.

In connection with the Tenant's seasonal tenancy and the Seasonal Tenant's business operations at the Broadway Market, the Tenant shall defend and does hereby indemnify and save harmless the City, its officers and employees from all claims, suits, actions, damages, losses and costs of every name and description to which the City may be subjected or put by reason of injury to the person or property of another, or the property of the City, resulting in any degree or manner whatsoever from or in connection with Tenant's business operations and other activities and or resulting from the negligence or carelessness, active or passive, of the Tenant, or the joint negligence, active or passive of the Tenant and others, his, its, or their employees, agents, or sub-tenants or sub-contractors, in connection with the Tenant's business operations at the Broadway Market or otherwise. Tenant's indemnification is without limit.

Tenant shall defend, indemnify and hold harmless the City of Buffalo, its agents, officers, servants and/or employees for all claims or losses for personal injury involving employees of the Tenant or persons working for the Tenant or any sub-tenant, sub-contractor or supplier or any third parties injured during or otherwise in connection with the operations of Tenant's business at the Broadway Market. Tenant's indemnification is without limit.

The Tenant shall secure a policy or policies of general liability insurance and maintain said policy in force during the time of Tenant's seasonal tenancy. Said policy of insurance shall protect against liability arising from operations of Tenant's business associated with Tenant's seasonal tenancy, or in any way relating to Tenant's activities, said policy of insurance to be in the sum of at least \$1,000,000 per occurrence for general liability and \$1,000,000 per loss or damage by reason of Tenant's activities in connection with Tenant's business activities at the Broadway Market.

The Tenant shall furnish appropriate certificates of insurance at the time of execution of this letter.

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The Broadway Market a Buffalo Tradition since 1888  
999 Broadway, Buffalo, New York 14212  
716-893-0705 FAX 716-851-5590



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The City of Buffalo shall be named as certificate holder and as an additional insured under the general liability insurance coverage as well as under any excess/umbrella liability coverage if any.

Tenant specifically acknowledges that Tenant has been allowed to begin or continue Tenant's seasonal tenancy at the Broadway Market partly in consideration of this indemnification and insurance letter. Tenant agrees that the City shall have the right to prevent Tenant from opening their business at the Broadway Market at any time that satisfactory evidence of the required insurance is not provided to the City.

City shall have the unilateral right to terminate the seasonal tenancy with or without cause at any time by providing tenant with a written tenancy termination notice which allows a calendar month for the tenant to vacate.

\_\_\_\_\_  
Tenant Signature

\_\_\_\_\_  
Please Print Name

\_\_\_\_\_  
Date

The City of Buffalo signs off on this letter to acknowledge  
The City's acceptance of the Tenant's indemnification and  
Insurance coverage as described above all in connection with  
Tenant's seasonal tenancy at the Broadway Market

City of Buffalo by its  
Office of Strategic Planning

\_\_\_\_\_  
By: Director of Real Estate

**Dated:**