

**EXERPT FROM CURRENT STATE STREET MALL-CAPITOL CONCOURSE
REGULATIONS AS IT PERTAINS TO SENIORITY POINTS**

IV. FOOD VENDING REVIEW JUDGING GUIDELINES AND SITE ASSIGNMENT CRITERIA

A. Initial Application Review. The Director of Planning and Development, or designee shall review all applications for completeness and for compliance with cart specifications; equipment standards; electrical needs and standards; insurance; and vendor and menu restrictions. Applications shall also include proof that the applicant has obtained from PHMDC all required food and drink license(s) or permit(s) necessary to operate a mobile food cart. PHMDC approval of the base kitchen and cart is required to serve food to reviewers or offer food for sale during the review period. The Director of Planning and Development, or designee shall promptly notify the applicant of his/her seniority points, violation demerit points and any deviations from or failure to meet the aforementioned specifications, standards and restrictions. Such notice shall be given in writing at least fourteen (14) days before the scheduled Food Review and shall advise the applicant of the limited right of appeal set forth in Section V.G. below.

1. Seniority. Seniority points are determined by the number of vending seasons that the vendor has purchased and used a Mall/Concourse Food Vendor License (of any duration) counting backwards from the present, up to a maximum of five (5) years. Seniority is not transferrable.

How to calculate Seniority for Mall/Concourse Food Vendors:

Not purchasing the license, forfeiting a site assignment or forfeiting the license for the vending season, or failing to vend at all during the vending season will count as a year off. However, a vendor may take one (1) vending season as a sabbatical (not purchase a license that season) without losing seniority, but that year will not be counted toward that vendor's total years of seniority. If a vendor takes two (2) sabbaticals in a three (3) year period, the vendor will lose all years of seniority and be placed at the bottom of the seniority list upon their next application for a site.

In addition, a Mall-Concourse Food Vendor will lose all years of seniority if all of the four following changes occur during the same vending season:

- The name of the food cart or food tent, as specified on the application and resulting license, has changed.
- The owner of the food cart or food tent, as specified in the application and resulting license, has changed.
- A change in the overall design and appearance of the food cart or food tent (other than changes resulting from maintenance or repairs.)
- The menu has changed. (This does not include a "minor menu change" for which approval has been granted under sec. XII.D. This also does not include a menu change that is approved through the Food Cart Review process, unless that change is also accompanied by a change in all of the other factors listed in this section.)

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Tie Breaker. Seniority may be used as a Food Cart Review scoring tiebreaker. If more than one Mall/Concourse Food Vendor share the same number of years of seniority, rank order will be determined by the date and time of day the license is created, or by a coin toss conducted by the Vending Coordinator or designee if the date and time of the license is not available.

Sections B., C. and D. relate to the Food Cart Review Panel, General Review Criteria and Scoring System (for Reviewers).

E. Final Score Tabulation.

1. Score Sheets. Each review panelist must evaluate at least 80% of the applicant vendors in order for that reviewer's score to be included. Reviewers shall use a score sheet created by the Street Vending Coordinator for this purpose.
2. Raw Average Score. From those score sheets, the Director of the Department of Planning and Development, or designee, shall compute the average score for each applicant vendor, discarding the highest and lowest score for each applicant.
3. Demerit Points and Adjusted Average Score. The designee shall then subtract any demerit or violation points calculated under sec. IV.A.2. to arrive at an adjusted average score.
4. Ranking List Step 1. A list from highest to lowest adjusted average scores shall be created corresponding to the number of Mall/Concourse Food Vending site available (see example below). Applicants must have an adjusted average score of at least seventy (70) points to be included on this list and proceed to Step 2 (final ranking process). Any eligible applicants that do not make this first list shall be placed on a waiting list.

Example:

If there are 40 total Mall/Concourse Food Vending sites available, and 50 applicants participate in the Food Review and receive a score of 70 or higher, only the top 40 scoring applicants at this stage are eligible to proceed to final ranking for a site assignment.

5. Ranking List Step 2: Seniority and Final Rank Order List. The designee shall add any seniority points to the adjusted average score of those applicants who made the list in Step 1 to create a final rank-ordered list, as follows: one (1) point for each year of an applicant's seniority (calculated under sec. IV.A.1.), with a maximum of five (5) seniority points per vendor. The designee shall use this final score to establish a final rank-ordered list for use in the final site assignment process. Applicants will be offered a site according to their rank based upon first, second and third-choice site preferences listed on the Application form.
6. Waiting List. Those eligible applicants who did not make the list in Step 1 shall be placed on a waiting list in the order of their adjusted average score. If a site opening occurs, the Vending Coordinator will offer the site to existing vendors on the Final Rank Ordered List, according to their rank, using procedures established elsewhere in these Regulations. If no

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vendors on the Final Rank Ordered List accept the site, the site will be offered to those on the waiting list. No seniority points will be added to applicants on the waiting list, rank order for waiting list purposes shall be based on the adjusted average score in Step 1.

V. FOOD VENDOR SITE ASSIGNMENT

A. Site Assignment Based on Food Cart Review. The Director of the Department of Planning and Development, or designee, shall assign food vending sites beginning with the highest-scoring vendor on the Final Rank Ordered List assigned to his/her first preference, and the next highest-scoring vendor assigned to his/her first preference, or if that site has already been assigned, his/her next highest-preference, and so on; until all sites are filled. In addition, the designee of the department may consider whether the site assignments under the above system result in an inappropriate mix and balance, and may, upon consultation and approval of the applicant vendors affected, rearrange site assignment to achieve an appropriate balance. The designee may consider the extent to which the food sold at one site is different from that sold at adjacent sites or otherwise proximately available, and the designee may give great consideration to maintaining the diversity of vending in order to achieve a better balance of vendors and products so as to better serve the public.