



VENDOR APPLICATION

PearlPalooza
September 21, 2024

Learn more or apply online at downtownalbany.org/pearlpalooza



Table of Contents

EVENT SUMMARY 1

Equipment Requirements..... 1

Setup 1

Cleanup 1

RULES & REGULATIONS 2

Certificates, Licenses, & Insurance 4

APPLICATION FORM 5

Registration Deadline..... 6

Vendor Fee Schedule 6

Release & Indemnification 7

PEARLPALOOZA

Saturday, September 21, 2024 | 12:00 PM-7:00 PM

EVENT SUMMARY

Returning to N Pearl Street in 2024, the popular PearlPalooza outdoor music festival is scheduled for Saturday, September 21 from 12:00 PM to 7:00 PM. During the event, the street will be closed to all traffic between Sheridan Avenue and Pine Street and guests will experience free, open to the public, musical performances on a large, feature stage at Sheridan Avenue and N Pearl Street, as well as a variety of vendors, activities, and attractions lining both sides of N Pearl Street.

We are anticipating a crowd of 5,000 to 7,500 people throughout the day from the Capital Region and beyond. Approved retail and food vendors will be invited to set up booths to market and sell their goods in designated locations throughout the festival area.

Equipment Requirements

- Table and Table Coverings (if not a food truck)
- Tent weights if using a tent. *Pop-up tents are strongly advised, but not required. The event is rain or shine, and it is the responsibility of you as the vendor to ensure you, your staff, and your products are protected from rain or other possible weather conditions.
- Signage (sandwich board or other if you have them)
- Generator, if using electricity. *No electricity will be provided. Noise from generator may not exceed 90-db at a distance of 4 ft from the generator.
- Garbage can (required to take out any trash you produce)

Setup

Don Wilson, Downtown Albany BID Operations Manager, will serve as the main point of contact on all event questions. Due to barricades and road closures, all vendors must be inside the festival footprint before 10:00 AM, prepared and fully set-up to vend by 11:30 AM. Vendors must remain open and operational for the duration of the event, 12:00 PM to 7:00 PM. Set-ups cannot be broken down or vacated prior to closing time, so please ensure you have enough product to last for the entire day. If you do run out of product before the end of the event, please remain with your booth and promote your place of business. N Pearl Street will not re-open until the event concludes, and vehicles will not be permitted in or out until that time.

Cleanup

All displays must be kept neat and clean. Vendors are responsible for clean-up at the end of the event by removing all equipment, supplies & trash, and leaving the public space in the same or better condition as initially presented. Vendors must bring their own trash receptacles, trash bags, and be responsible for disposing of their own trash. The public should be directed to use the event trash containers located throughout the footprint.

RULES & REGULATIONS

1. Vendors will conduct business in accordance with all laws and the highest standards of business ethics. Additionally, Vendors shall obey fire regulations and County, State and other applicable laws.
2. Please note that Vendors that do not adhere to all event rules will not be allowed to return to the festival the following year. Final determination will be ruled by the Downtown Albany BID's Executive Committee. The success of this event is dependent upon reliable participation from all vendors, and therefore the BID will not condone unprofessional or unreliable business practices.
3. Vendors must abide by all current CDC and NYS COVID-19 safety guidelines.
4. Vendors must provide all their own supplies including: water, electricity, tables and chairs.
5. Vendors must make their own arrangements for transport of their products, equipment, etc. to and from their exhibit spaces; event personnel are not available to assist, and the event cannot provide storage space for product, equipment, literature, etc. for Vendors.
6. Vendors must have personnel present and in their booths at all times during the official operating hours of the event: 12:00 PM to 7:00 PM.
7. Only one business or organization may operate in each space, sharing of booth space with other businesses or organizations is prohibited. Booth/tent space may not be reassigned or sublet. Vendors may not distribute, display, or sell products, literature, or other items from any business or organization other than the one specifically contracted with the Downtown Albany BID.
8. Vendors may not operate outside the boundaries of their assigned spaces, which are defined as 20 feet wide by 10 feet deep, or 10 feet wide by 10 feet deep. Placement of vendors will be determined solely by the Downtown Albany BID.
9. The Downtown Albany BID reserves the right to change the location, dates, hours, or to terminate entirely the operation of the scheduled event, at any time and without prior notice to the Vendor. The Downtown Albany BID will make reasonable efforts to provide advance notice to Vendors of any changes or cancellations. This is a RAIN OR SHINE event and will take place as regularly scheduled and advertised except in the case of lightning or severe weather that may pose a danger to the public. BID staff will send official cancellation notice to the vendors when the event is cancelled.
10. Vendors may not open or close earlier or later than the official operating hours, without express permission of the Downtown Albany BID staff member.
11. Vendors must keep boxes and cartons out of sight.
12. Vendors must maintain a neat and clean area, also provide refuse bags to condense and secure all waste produced by the booth.
13. Vendors may not hawk, peddle, sell, or advertise outside the assigned area.
14. Vendors may not distribute literature or other items to passers-by while standing outside of the assigned area. Materials may only be displayed on vendor tables.

15. Vendors may not have music or conduct activities that may be disruptive to neighboring Vendors or event participants. The Downtown Albany BID reserves the right to make such determinations.
16. Vendors must return the areas to their pre-event condition (if repair and cleaning costs are incurred and Downtown Albany BID determines Vendor is responsible, the Vendor will be billed for the cost of the repair.) The Vendor must comply with the September 1, 1992 New York State Source Separation Law when vending in the City of Albany (separate all waste for proper recycling and disposal).
17. Vendors must comply with the event's parking regulations. Parking may be provided for trucks that tow food trailers; please contact the BID staff if parking is needed.
18. Vehicles – (cars, trucks, trailers, etc.) of any type may not be driven on the sidewalks or parked on or near Vendor's assigned location during the event.
19. Downtown Albany BID may, for publicity purposes, use any photographs and information received or obtained, prior to or during the event.
20. Vendor shall not bring any animal or pet of any kind within the event, except any animal as defined as a service animal under the Americans with Disabilities Act (ADA); this includes Vendor booth spaces.
21. Vendors must operate their business in a professional manner. At the discretion of the Downtown Albany BID, any Vendors, or any agents or employees of Vendors who do not conduct themselves in a professional manner and according to the policies contained herein may be removed from the event. Event coordinators reserve the right to remove any objectionable merchandise from any booth.
22. Vendors that are using an electric generator or any other motor must soundproof that device so as not to exceed a 90-decibel sound rating from a distance of 4 feet from the generator unit. In the case the generator exceeds the allowable decibel level, or it is determined by the BID that it is negatively affecting the atmosphere of the event and safety of the attendees, the vendor will be relocated, if possible, so that it does not affect the entertainment or general atmosphere, or the operator will be asked to turn off the generator. The BID has the right to make this determination and any contingent plans as they see fit, which may also include the removal of the vendor from the event in extreme circumstances.
23. Exhibitors that are cooking and/or vending food products (other than using deep-fryers) shall at all times have a 10lb minimum, commercial grade, ABC-type fire extinguisher within the permitted exhibition space. Exhibitors that are using deep fryers shall at all times have a 6-liter, K-type fire extinguisher within the permitted exhibition space. Exhibitors shall allow the Albany Fire Department to inspect said fire extinguisher, as well as the permitted exhibition space. The Downtown Albany BID maintains the right to close any exhibit not in compliance with the above policy.
24. In keeping with Albany's "Going Green" initiative, the City prohibits the use of polystyrene foam containers, cups or bowls. Vendors will be prohibited from the use of polystyrene foam containers, cups, or bowls. Also known as



“Styrofoam”; these items are usually marked with the symbol to the right. Any vendor found using the above-mentioned products marked with this symbol will receive a warning. A second offense will be immediate termination of contract and removal from event without a refund of deposit fee. Moreover, no products shall be sold in glass containers.

Certificates, Licenses, & Insurance

- A. Vendors are solely responsible for collecting and paying all New York State sales taxes during the event and shall properly display their New York State Sales Tax Certificate at their booth.
- B. Vendors are responsible for displaying required event permits, and operating within any local, state, or federal guidelines or laws. As part of this application, the event permit will be obtained for the vendors by the Downtown Albany BID. Approved food vendors will be given the required Albany County health permit to display by the Downtown Albany BID.
- C. Food vendors are required to provide a certificate proof of workers compensation (C105.2) and disability (DB-120.1), or a Certificate of Attestation of Exemption (CE-200) attached to the application.
- D. Food vendors must procure and maintain Commercial General Liability insurance coverage with limits of \$1,000,000 for each occurrence. As an attachment to the application, food vendors must submit a certificate proof of Commercial General Liability insurance, stating the name of the event, PearlPalooza, and the date, and name the following parties as additional insured on a primary and non-contributory basis:
- | | | |
|---|---|---|
| Downtown Albany BID 21 Lodge Street, 1 st Floor Albany, NY 12207 | City of Albany 24 Eagle Street Albany, NY 12207 | Albany County 112 State Street Albany, NY 12207 |
|---|---|---|
- E. Vendor is solely liable for equipment (installation, operation, and tear down), and any other personal property at the event. Vendor must show evidence that he or she has insurance coverage for said items to cover loss due to vandalism, theft, or any other casualty. Any losses due to fire, theft, damage, or injury are the sole responsibility of the Vendor. It is specifically agreed that Downtown Albany BID shall be held harmless for any claim of theft, vandalism, casualty, or loss.
- F. The Vendor shall defend, indemnify, and save harmless the Downtown Albany BID, and their employees and agents, from and against all claims, damages, losses and expenses (including, without limitation, reasonable attorney's fees) arising out of, or in consequence of, any negligent or intentional act or omission of the Vendor and/or the Vendor's employees or agents, to the extent of the responsibility of the Vendor and/or the Vendor's employees or agents for such claims, damages, losses, and expenses.

Application form begins on next page:

APPLICATION FORM

Business Name _____

Business Address _____

Business Owner Name(s) _____

Primary Business Owner Email _____

Business Phone _____ Mobile _____

On-site Contact Name _____

On-site Contact Mobile _____

Provide a description of the products and/or food items you will sell:

Website: _____

Social media accounts (please list usernames for all that apply)

Facebook _____ Instagram _____

TikTok _____ Twitter _____

Other: _____

Media Release: By checking this box, you authorize the Downtown Albany BID to use photos and videos from your social media accounts and website for promotional purposes.

Vendor Email Signup: Check this box if you would like to receive periodic emails about event announcements, vendor application deadline reminders, and opportunities to vend in Downtown Albany.

Business Sales Tax ID: _____

Registration Deadline

COMPLETED APPLICATIONS MUST BE RECEIVED BY:

Wednesday, August 7, 2024

Booth spaces are limited and available on a first come, first served basis. If all booth spaces are filled, applications will close prior to the deadline and vendors may be placed on a waiting list.

Vendor Fee Schedule

Please check the category/booth size you are applying for:

| Category | Booth Size | Fee |
|--|-----------------------------|----------|
| <input type="checkbox"/> Non-Food Vendor | 10'x10' | \$125.00 |
| <input type="checkbox"/> Non-Food Vendor | 20'x10' | \$225.00 |
| <input type="checkbox"/> Food Vendor | 10'x10' | \$200.00 |
| <input type="checkbox"/> Food Vendor or Food Truck* *Enter length of truck in feet: | 20'x10' or Truck length: | \$325.00 |

Are you a Downtown Albany BID Stakeholder?

Yes No

If yes, please enter the address of the property you lease or own in downtown Albany to verify:

Street Address

Unit/Floor #

Downtown Albany BID Stakeholders are eligible to have 50% of their booth fee waived. If you are unsure whether your property is located in the district, go to downtownalbany.org/about to view a map of the BID's boundaries.

MAKE CHECKS PAYABLE TO:

Checks should be made out to **Downtown Albany BID**.

QUESTIONS?

Contact Don Wilson, Operations Manager at 518.465.2143 x112, or dwilson@downtownalbany.org.

Release & Indemnification

As a vendor wishing to participate in PearlPalooza, I, undersigned, intending to be legally bound, hereby myself, my heirs, executors, and administrators agree to save, hold harmless, and indemnify the Downtown Albany BID, the City of Albany, Albany County, and each organization's directors, officers, members, employees, and/or representatives from any and all liability or responsibility pertaining to any damages to person or property on the site assigned to me, when such damages or liability arise, in whole or in part, out of acts of my own, or of my employees, representatives, agents or associates. If the above indemnification is determined by a court having competent jurisdiction to be invalid or voidable in any way, the parties agree that the court shall enforce the above indemnification provision to the fullest extent permitted by New York law. Moreover, and notwithstanding any limitation on the above indemnification provisions, I as the vendor shall provide insurance coverage and protection to the Downtown Albany BID, the City of Albany, and Albany County, in the manner required by the Rules and Regulations above.

I understand that the Downtown Albany BID operates on limited funds. I also acknowledge that the Downtown Albany BID's beneficial purpose will be impaired if it is subjected to unnecessary litigation. Wherefore I hereby agree that as a condition of my participation in PearlPalooza, I, and prior to the commencement of litigation against the Downtown Albany BID, its directors, officers, members, employees, and affiliated entities, will engage in good faith negotiations with the BID, and if necessary, mediation with an impartial person, to resolve the dispute. I agree to limit any claim I may have as a result of a decision by the Downtown Albany BID Staff or Board of Directors which results in the denial of permission to vend, the denial of a product to sell, wrongful suspension or termination from PearlPalooza, or any other claim for breach of contract, to a return of a prorated portion of the vendor fees, for the period during which I as the vendor was prevented from participating in PearlPalooza. I further agree that in the event I am unsuccessful in my litigation against the Downtown Albany BID, I will pay all costs, expenses, fees, and disbursements incurred by the Downtown Albany BID in the course of its defense of said litigation, and I will also pay the Downtown Albany BID a reasonable attorney's fees.

I verify that all information I have provided about my business, and my products for sale is true and accurate.

Further, I hereby grant full permission to the stated event and the Downtown Albany BID and/or their authorized agents to use my photographs, videotapes, motion picture, recordings and any other recorded image of this event for any legitimate purpose. I further agree to accept all conditions set forth and to abide by the rules and regulations of the event, the Downtown Albany BID, the City of Albany, and Albany County.

I understand and agree to abide by all the Rules and Regulations. Upon acceptance of my application, this form will be binding and will represent the terms of the permit agreement. I understand that the Downtown Albany BID reserves the right to remove any vendor, at any time, from vending during the above event, without refund, if vendor is in violation of the Rules and Regulations, or refuses to follow any reasonable instructions given by Downtown Albany BID event personnel.

Business Owner Name (print)

Date

Signature

Only complete applications will be processed. Complete applications include pages 5, 6, and 7 along with the following attachments:

- Food vendors only:** Proof of workers compensation (C105.2) AND disability (DB-120.1), OR a Certificate of Attestation of Exemption (CE-200).
- Food vendors only:** Certificate proof of Commercial General Liability insurance coverage with limits of \$1,000,000 for each occurrence. See Page 2, Section D for insurance requirements.
- Vendor Fee in the form of a check made out to **Downtown Albany BID**

MAIL OR HAND DELIVER APPLICATION TO:

Don Wilson, Operations Manager

Downtown Albany Business Improvement District

21 Lodge Street | 1st Floor

Albany, NY 12207

dwilson@downtownalbany.org

518.465.2143 x112