



The Elmwood Avenue Festival of the Arts  
PO Box 786 Buffalo, NY 14213  
716.997.6816  
[www.elmwoodartfest.org](http://www.elmwoodartfest.org)  
A cultural not for profit corporation

### 2023 FOOD/BEVERAGE CONCESSION APPLICATION

The Elmwood Avenue Festival of the Arts, Inc. ("EAFA") and the individual/organization described in Article I, Paragraph 1 below ("Vendor") agree, that subject to the terms and conditions of this Application, Vendor shall sell only the products specified and approved in Article I, paragraph 2 at The Elmwood Avenue Festival of the Arts, a festival which the EAFA coordinates, in Buffalo, New York, on August 26 and 27, 2023.

#### ARTICLE I

##### Vendor, Products, Fees and Requirements:

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

CONTACT PERSON: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

EMAIL: \_\_\_\_\_

2. **DESCRIPTION OF PRODUCTS AND PRICES** (including beverages): Each vendor may sell up to five (5) food items. Beverage items count as food items. Each vendor may sell one beverage. Soda Pop is allowed. Fruit spritzers, juice and flavored waters are preferred. ***Water is not permitted to be sold, as the festival uses water sales as funding.***

##### FOOD ITEM:

1.) \_\_\_\_\_

Price \$ \_\_\_\_\_

2.) \_\_\_\_\_

Price \$ \_\_\_\_\_

3.) \_\_\_\_\_

Price \$ \_\_\_\_\_

4.) \_\_\_\_\_  
Price \$ \_\_\_\_\_

5.) \_\_\_\_\_  
Price \$ \_\_\_\_\_

**ALTERNATE FOOD ITEMS (if above not accepted):**

6.) \_\_\_\_\_  
Price \$ \_\_\_\_\_

7.) \_\_\_\_\_  
Price \$ \_\_\_\_\_

8.) \_\_\_\_\_  
Price \$ \_\_\_\_\_

3. Use of an open flame: \_\_\_\_\_ YES \_\_\_\_\_ NO

4. For-profit organization: \_\_\_\_\_ Non-profit organization: \_\_\_\_\_ (attach tax exempt letter)

5. Food Truck: \_\_\_\_\_ YES

**6. ELECTRICAL REQUIREMENTS:**

There is a flat fee of \$110 for electrical service.

Type of Appliance    Quantity    Voltage    Amps

Type of Appliance	Quantity	Voltage	Amps
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

7. List of other events (or restaurant location) in which vendor has participated:

\_\_\_\_\_  
\_\_\_\_\_

**8. VENDOR FEE:**

All Vendor booths are a minimum of 10 feet. Booth fees are based on frontage. The vendor booth fee is \$65 per foot with a minimum frontage of 10 feet (\$650). The maximum frontage is 20 feet. (\$1,300)

Decide how much frontage you need and multiply by \$65  
Feet x \$65 = BOOTH FEE (not including \$110 electric fee)

BOOTH FEE:

\_\_\_\_\_ Booth fee (minimum space 10" x 10" -\$650) includes City permit fee.

\_\_\_\_\_ Booth electricity (\$110)

\_\_\_\_\_ Total Fee

\*50% deposit due April 1, 2023, remaining 50% due by July 1, 2023.

There is a \$50 fee for bounced checks.

#### FOOD TRUCK FEE :

\_\_\_\_\_ Food Truck (flat fee) \$1095 (includes electricity, generator not allowed)

\*please initial

\*50% deposit due April 1, 2023, remaining 50% due by July 1, 2023.

There is a \$50 fee for bounced checks.

9. List three credit references that will vouch for your ability to pay (name, address, phone)

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

## ARTICLE II

### Terms and Conditions

READ CAREFULLY, AND INITIAL EACH ONE IN AGREEMENT:

1. \_\_\_\_\_ This Application must be completed, signed by Vendor and postmarked, hand delivered or emailed by April 1, 2023, and shall not be in effect until accepted and signed by EAFA. Notifications will be mailed by EAFA to Vendor by May 15, 2023.

2. \_\_\_\_\_ If Vendor application is accepted by EAFA, Vendor agrees to remit the remaining 50% of Vendor fee \$\_\_\_\_\_ by July 1, 2023.

3. \_\_\_\_\_ Late payments may be assessed a seventy-dollar processing fee.

4. \_\_\_\_\_ Vendor is responsible for supplying its own personnel, tables, chairs, equipment and signage. The EAFA reserves the right to remove any signage or other Vendor booth displays or music that it deems inappropriate or unsafe.

5. \_\_\_\_\_ PERMITS and FIRE DEPARTMENT REGULATIONS:

Vendor is responsible for applying for the following permits.

- Erie County Health Department permit
- City of Buffalo Propane permit
- Permit deadline is August 1st
- Each vendor must have a minimum 2-A 5BC fire extinguisher on site. Failure to obtain permits may result in City, County or State authorities shutting down Vendor. EAFA is to be held harmless in such an event. No refunds will be made

if Vendor fails to abide by any applicable laws or regulations.

## **7. INSURANCE:**

Vendor must carry liability insurance in the amount of \$1,000,000.00 per occurrence and submit proof on insurance to EAFA no later than August 1, 2023. The City of Buffalo and the EAFA and its Board of Directors must be listed as additionally insured.

## **8. SHOW HOURS:**

SATURDAY AUGUST 26 10:00 AM TO 6:00 PM

After Hour concert- 6:00-8:30

SUNDAY AUGUST 27 10:00 AM TO 5:00 PM

Vendor is required to be open during the Festival hours. Vendors are required to open promptly and close promptly.

## **9. SITE AND SPACE ASSIGNMENT:**

The Festival Cafe is located on Elmwood Avenue and Lafayette.

A large tent will still be provided. We will still have several other vendor locations within the Festival. Vendor space assignments are at the sole discretion of EAFA and will be handed out prior to the festival.

## **10. SET-UP:**

Food vendor set-up is between 6:00 AM and 9:30 AM. Vehicles must exit the Festival site by 8:00AM. No vehicles will be permitted to enter the site after 7:30 AM (except for food trucks). If you are late you may not be able to set-up. **ALL FOOD TRUCKS MUST BE ON SITE BY 8:00am.**

Each vendor is allowed one vehicle in the site at a time, on a first come first serve basis. This year, the Festival Cafe will provide a 20' x 30' tent, as well as an outdoor cafe, for all our customers' enjoyment, which will be set-up Saturday morning. As such, we request that you limit the number of vehicles used during set-up and that you arrive early.

## **11. COMPOSTING/RECYCLING:**

To fulfill our mission of being an environmentally sound festival we are continuing a mandatory compost and recycling program for food vendors. All **vendors are required to use compostable or recyclable tableware.**

Compostable products must be uncoated paper or meet ASTM D6400 or D6868 Standards. Items may include: Plates, Bowls, Napkins, Clamshell containers/ Paper boats, Paper beverage cups (hot or cold item).

Plastic beverage cups should be recyclable #1PET.

Please do NOT use clear plastic compostable beverage cups (PLA) as this will confuse festival goers. Those cups look recyclable, but are actually a contaminant in the recycling.

Cutlery will be directed to trash and does not need to be compostable or recyclable. Most tableware distributors now carry these products or can get them.

## **12. SALES:**

Food Vendors are required to adhere to the menu submitted with the application. Food Vendors are required by New York State to collect and report sales tax.

**13. VEHICLE ENTRY:**

All vehicles are required to display a yellow vehicle entry/parking pass and must enter the site from designated points. Entry directions will be sent to you with your parking pass.

**14. PARKING:**

There will be limited Stock Truck parking on a first come first served basis. Please contact us regarding this. Your parking pass must be displayed at all times. More information on parking will be given to you closer to the festival dates. There is NO PARKING on Gren-Way Alley. The Buffalo Police will be towing vehicles illegally parked in the alley.

**15. SANITATION AND SAFETY:**

Each Food Vendor is responsible for keeping their site clean and leaving their site clean. Failure to maintain the cleanliness of your site or to clean your assigned site, each day, and surrounding area before leaving the site at the end of the Festival will result in the revocation of your current permit and exclusion from future events. The Festival will offer composting services for all fruit, vegetable and grain scraps. (No oil, cheese or meats). Vendor is responsible for removing their own debris during and after the Festival as directed by EAFA Site Committee Personnel. No cardboard boxes may be placed in the trash barrels. Please break boxes down and place next to the barrels. Vendors are not permitted to dump waste in the storm sewers.

**16. ELECTRIC:**

Vendor requiring electrical service during the Festival must submit their electrical requirements above. All electrical cables and connections in pedestrian areas must be covered and protected securely as to maintain site safety.

**17. WATER:**

The EAFA will provide a common fresh water source. No UNAUTHORIZED water connections will be permitted. Vendor with special water requirements must submit their water needs to EAFA prior to the festival.

18. Vendors will conduct themselves in a professional manner. Alcohol, loud music, inappropriate language, signage or displays is strictly prohibited. The removal or cessation of such is at the discretion of the EAFA.

19. Vendor agrees to indemnify and hold the EAFA, Inc, it's Directors, employees and volunteers harmless from any and all loss or damage to EAFA, Vendor, Vendor's employees or any other person to any act or omission of Vendor.

**ARTICLE III**

**Termination**

EAFa reserves the absolute right to terminate this Application agreement in the event Vendor sells or attempts to sell any product or service other than those specified in Article I, paragraph 2 or breaches any of the terms and conditions contained in Article II. In the event the EAFa terminates this Agreement pursuant to this Paragraph, Vendor shall (i) immediately cease any activities at The Elmwood Avenue Festival of the Arts and remove all equipment, personnel and other property at the direction of EAFa and (ii) forfeit any fees paid to EAFa hereunder.

**Please sign the below to acknowledge you have read, understand, and agree to this contract:**

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

Business name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Note:** Please return the entire contract and retain a copy for your records.

To: Café Committee

The Elmwood Avenue Festival of the Arts

PO Box 786

Buffalo, NY 14213

Or email to: [Emmysayre@gmail.com](mailto:Emmysayre@gmail.com)