



The Delaware State Fair

July 23-August 1, 2020

Concession Rules & Regulations FAQ

The rules mentioned below are some of the most misunderstood or violated. Please read them carefully.

ADMISSION GATE PASSES, CREDENTIALS AND NAME BADGES

Each Concessionaire and their authorized personnel must purchase and use a gate admission pass in order to enter the Fairgrounds any time paid gate hours are in force. No gate admission passes or credentials are issued as part of the Concessionaires' Commercial License Agreement. Concessionaires must purchase their admission passes through the Fair's Box Office. Discounted gate admission passes may be purchased any day up to and including during Fair. Concessionaires and authorized personnel must strictly follow the Fair's policies and procedures relating to same day/night re-admission (hand stamp plus display of previously used gate admission pass/ticket). No refunds will be issued for unused gate admission tickets/passes at the conclusion of the Fair. Concessionaires are encouraged to use a professional looking form of name badge to identify themselves and their personnel while working in or about their space or lot.

OPERATING HOURS

Exhibits must be open and staffed each and every day at published opening and closing times during the annual Event. The Fair reserves the right to adjust the closing time based on certain conditions (i.e. attendance, weather, etc). Failure to open exhibit on time and/or to fully staff exhibit until the appointed closing time shall be considered a material breach of this Agreement and may be cause for non-renewal and/or cancellation of this Agreement and removal of violator's exhibit during the course of the Fair. No refunds of any money paid, including gate admission tickets, will be given.

A. Outside Concessionaires

- i. Thursday, July 23: 12:00 NOON – 11:00 PM
- ii. Friday, July 24 – Saturday, August 1: 11:00 AM – 11:00 PM

B. Machinery Lot Concessionaires

- i. Thursday, July 23: 12:00 NOON – 9:00 PM
- ii. Friday, July 24 – Saturday, August 1: 11:00 AM – 9:00 PM

C. Marketplace Tent Concessionaires

- i. Thursday, July 23: 12:00 NOON – 11:00 PM
- ii. Friday, July 24 – Saturday, August 1: 11:00 AM – 11:00 PM

D. Delaware Building Concessionaires

- i. Thursday, July 23: 12:00 NOON – 8:00 PM
- ii. Friday, July 24 – Saturday, August 1: 12:00 NOON – 8:00 PM

E. Exhibit Hall Concessionaires

- i. Thursday, July 23: 12:00 NOON – 10:00 PM
- ii. Friday, July 24 – Saturday, August 1: 11:00 AM – 10:00 PM

TENTS

All tents utilized throughout the Delaware State Fair shall be a commercial type frame, pole or canopy style tents; no “easy-up,” “pop-up” or “instant canopy” style tents shall be allowed. All tents must be securely staked or weighted to prevent movement; all stakes and weights must be within the space licensed by Concessionaire, and must be installed so as to not create a tripping hazard or be visually objectionable. Tents may only be rented or leased from the Fair’s approved tent companies. The names and phone numbers of these tent companies are identified each year by the Fair and made available to all Concessionaires. Concessionaires renting or leasing tents must be present to accept delivery of such tents, and must check in with Fair’s Concessions Department for location placement prior to tent installation. If the Concessionaire is not present at the time of tent delivery, the tent supplier will not be permitted on the lot and no tent shall be installed. All tents must be removed from the Fairgrounds no later than Sunday, August 2 at 12:00 noon.

MOTORIZED CARTS

If you intend to use any form of motorized cart (gator, mule, golf cart, etc.) at the Delaware State Fair you must complete the Golf Cart Permit Request Form included with your contract. Upon your arrival, you may not use any golf cart, gator or other similar motorized vehicle without first obtaining and displaying a valid golf cart permit (this includes those days prior to Fair’s opening). The operator must possess a valid driver’s license and produce it if requested. All persons riding on vehicle must have a seat space. NO hanging, standing, or lap sitting allowed. In order to obtain a permit or permits, submit this form, with proof of insurance (naming The Delaware State Fair as an additional insured), Upon your arrival, your permit must be picked up in the Fair’s Administration Building. Approved golf cart operating hours and authorized route map will be made available at the time permit is issued. The first offense will result in a warning. Second or greater number of offenses will result in the revocation of your permit and forfeiture of the fee paid. The offending vehicle must be removed from the fairgrounds. After the first day of fair any golf carts operating without a permit will be charged a \$100 non-compliance fee and the \$300 permit fee.

DESIGNATED BOTTLER

All concessionaires selling bottled water, juices, sports and energy drinks and soft drinks (bottled or

fountain) must stock and use the designated bottler's products only. Maintaining a good rapport with the designated bottler (one of the Fair's major sponsors) is extremely important to the Fair. The designated bottler provides a significant amount of resources in managing our recycling effort throughout the grounds in addition to providing advertising and marketing strategies to bring guests to your business. Please plan to purchase all beverage products, syrup, CO2 and cup products from the designated bottler. No menu boards, signage, logo cups or other promotional materials should feature the name or logo of any other bottler except for the Fair's designated bottler, as this is an exclusive designation, any violations will subject the Concessionaire to removal from the grounds. Fair Management will make periodic, unscheduled on-site visits to verify compliance.

INSURANCE

Each Concessionaire must have occurrence form commercial general liability insurance coverage on all their activities and operations at the Fair. Coverage requirements are as follows:

- A.** A minimum of \$1 million dollars (\$1,000,000) combined single limits per occurrence, \$2 million dollars (\$2,000,000) annual aggregate, insuring against claims for bodily injury and property damage. The maximum permissible deductible shall be \$250 per occurrence. The policy must be deemed primary and non-contributory.
- B.** Where applicable, Concessionaires must also have coverage insuring against claims from products liability and products/completed operations.
- C.** The Delaware State Fair, Inc. shall be named as "additional insured" with respect to Concessionaire's operations/activities on the certificate of insurance. Listing The Delaware State Fair, Inc. as a certificate holder is not acceptable.
- D.** All Concessionaires are required to provide a certificate giving proof of workers compensation insurance coverage in compliance with the requirements of Delaware law or provide evidence of their exemption from the same.
- E.** At a minimum, the term of coverage should span the entire time Concessionaire and/or their goods and equipment is/are present on the Fairgrounds (including setup and teardown days, pre and post-fair camping) or the duration of the event whichever is the longer period. In the case of all permanent stands, Concessionaires owning the stands must procure and maintain the minimum levels of liability coverage identified hereunder for the entire year without interruption. Failure to maintain said coverage for the entire 12 months shall result in the cancellation of the License Agreement and shall trigger the requirement that Licensee remove the stand at Licensee's expense.
- F.** In the case of a permanent stand, in the event of a fire or casualty loss that renders the stand unusable for its intended purpose, the Licensee at its expense shall remove the stand from the Fairgrounds.
- G.** Insurance carriers must provide the Fair with a minimum of thirty (30) days written notice of any policy cancellation or material change in policy terms.
- H.** All insurance certificates and the declarations page must be provided to the Fair no later than April 30, 2020. For License Agreements issued after April 30, 2020, the insurance certificate must be provided within fifteen (15) days of the issuance of the License Agreement.
- I.** Concessionaires failing to timely meet the obligations of this paragraph may lose their Exhibit Space, and under no circumstances will an Concessionaire be allowed to set up, camp or otherwise enter on to the Fairgrounds unless the above insurance is in place as of the date they come onto the grounds or the opening date of the Fair whichever is the first to occur.

CONCESSIONAIRES ON PERCENTAGE SALES

All food and beverage concessionaires agree to pay 15% percent of their daily gross sales or the guarantee amount as stated on their License Agreement, whichever is greater, in addition to any other amount indicated in the License Agreement.

“Gross Sales” means the total amount of all revenue received from the sale of food and drink products inclusive of the Fair-issued meal tickets and Harrington Raceway and Casino employee food purchases.

Concessionaire agrees that the Fair may, from time to time, and at any time, audit the operation of the Concessionaire, including all cash receipts, credit/debit receipts, Fair meal tickets, and Harrington Raceway and Casino employee purchase ledger for purposes of confirming the accuracy of all reports of gross sales as required under the License Agreement.

All sales reports and payments must be made by the Concessionaire, prior to the opening of that exhibit or concession on the next day.

Failure to comply with these financial reporting procedures will be considered a violation of the License Agreement. Upon being advised of a violation, Fair management will be called upon to review the problem and resolve the matter. Violations will be taken into consideration when issuing contracts for the following year, or such violation may result in the immediate cessation of the right and privilege to do business on the fairgrounds.

- A. Food and Beverage Concessionaires:** All food and beverage Concessionaires must supply and use a Fair approved cash register or accounting system (i.e. point of sale) to record all sales transactions, including cash, credit/debit, HRI approved food purchases and Fair issued meal tickets. All registers must be inspected by Concessions staff. So that accurate records can be kept, each cash register or point of sale system must be capable of the following:

1) Cash Registers

a. All cash registers must have either dual or readable tape functionality. All cash registers must be capable of printing a transaction receipt and all customers regardless of the method of payment must be given a printed receipt.

b. Transaction total display viewable by the customer (pivot display design suggested)

c. Continuous Grand Total

d. Cumulative “Z” Counter

e. “X” Readings

f. 30-Day Back Up Battery

g. “Current” Printed Date and Time on Detail Tape

h. Key Protector

i. Cash Drawer must be linked to the register and automatically open and close with each transaction

j. Price Look Up (PLU) or Preset Keys for each product sold

2) Point of Sale system (Square, Clover or other Delaware State Fair approved system)

a. All devices will be provided a name specific to The Delaware State Fair unless the POS system (Clover) assigns each device a specific name/number that is used in that operating system.

b. Each point of sale terminal must be capable of printing a receipt and all customers must be given a receipt.

c. If you do not have a printer for the POS device, capable of giving customer receipts and use a cash register for cash, all credit transactions must be rung into the cash register as CREDIT and a receipt given the customer

- d. Any discrepancies in the POS reporting system for CREDIT and the amount run in the cash register for CREDIT will be rectified by using the larger of the two numbers. No adjustment will be made in the CASH amount for the overage or shortage.
- e. Daily Sales Report by device
- f. If a Concessionaire has multiple devices in use at The Delaware State Fair, you must also provide and provide at the time of daily settlement, the summary sales report for all devices, all locations.
- g. Daily Sales Report by device
- h. The daily sales report must be segregated by cash sales and credit/debit card sales.
- i. Cumulative summary report.
- j. Product daily journal upon request.
- k. Cash Drawer must be linked to the register and automatically open and close with each transaction.
- l. Preset keys for every item and forward facing customer display.

Should your register or Point of Sale device or system fail to work properly or quit working, the Concessions Manager must be notified immediately.

3) Daily Sales Reports for Cash Registers

You are required to maintain a daily record of all gross receipts derived from your operation. This record shall be made available to the Fair at any time during the Fair. Daily sales report forms will be provided at check-in. The report form compiles sales data from all registers and devices at each stand. Daily "Z" reports will be required that give a breakdown and accounting of all sales activity for each day. Please check the status of the receipt and journal tapes prior to a "Z" out to make sure you do not lose any daily sales information due to lack of register tape. Attach the "Z" tape to the daily sales report so the Fair staff can double-check your figures. When changing journal tapes, the used tape must be kept on grounds during the entire Fair.

The previous day's daily sales report together with an approved "Z" tape report must be turned in to the Concessions Cashiers Office in the Administration Building between 8:00 AM and 12:00 noon daily. Only complete daily sales reports will be accepted. Please allow enough time so that any questions concerning sales sheets or other issues can be addressed. Once your sales figures are approved and calculated any amounts due must be paid to the Concessions Cashier. We will maintain a continuous running total of your sales. A copy of which will be available upon request from the Concessions Cashier. Anyone requesting the return of their "Z" tapes must submit the request prior to the last day of Fair. A Fair-issued daily sales report accompanied by a Z tape must be submitted for each register.

4) Daily Sales Reports for POS Systems

You are required to maintain a daily record of all gross receipts derived from your operation. This record shall be made available to the Fair at any time during the Fair. Daily sales report forms will be provided at check-in. The report form compiles sales data from all registers and devices at each stand. Daily sales reports will be required that give a breakdown and accounting of all sales activity for each day for each device.

The previous day's daily sales report together with the POS-platform (i.e. Square or Clover) report by device must be turned in to the Concessions Cashiers Office in the Administration Building between 8:00 AM and 12:00 noon daily. Those Concessionaires operating a POS system (Square/Clover) will

have access to a specific Concession clerk. Usually these transactions take less time to reconcile on a daily basis and you will be given priority during the settlement process. Please allow enough time so that any questions concerning your sales can be addressed. Once your sale figures have been accepted, the amount due is then calculated and that amount must be paid to the Concessions Cashier. We will maintain a record of your continuous running total of gross sales for each device during Fair, a copy of which will be available upon request from the Concessions Cashier. Anyone requesting the return of their daily sales reports by device must submit the request prior to the last day of Fair. A daily Fair-issued sales report accompanied by a POS-platform generated sales report (i.e. Square or Clover) must be submitted for each device.

5) Daily Sales Reports for Hybrid Systems Stands

If you use both registers and POS systems in the same stand, you are required to maintain a daily record of all gross receipts derived from your operation. This record is to be available to the Fair at any time during the Fair. Daily sales report forms will be provided at check-in. The report form compiles sales data from all registers and devices at each stand. Daily "Z" reports and POS-platform generated sales reports by device will be required that give a breakdown and accounting of all sales activity for each day for each device. Please check the status of the receipt and journal tapes prior to a "Z" out to make sure you do not lose any daily sales information due to lack of register tape. Attach the "Z" tape and POS-platform generated daily sales report by device to the Fair-issued daily sales report form for submission to the Concessions Clerk. When changing journal tapes, the used tape must be kept on grounds during the entire Fair.

The previous day's daily sales report form together with an approved "Z" tape report and the POS-platform generated daily sales report by device must be turned in to the Concessions/Cashiers Office in the Administration Building between 8:00 AM and 12:00 noon daily. Only complete daily sales report forms will be accepted. Please allow enough time so that any questions concerning sales sheets or other issues can be addressed. Once your sales figures are approved and calculated any amounts due must be paid to the Concessions Cashier. We will maintain a continuous running total of your sales for each register and device, a copy of which will be available upon request from the Concessions Cashier. Anyone requesting the return of their "Z" tapes and/or POS-platform generated sales report (i.e. Square or Clover) must submit the request prior to the last day of Fair. A daily Fair-issued sales report accompanied by a register Z-tape and POS-platform generated sales report (i.e. Square or Clover) must be submitted for each device.

6) Register and POS Device Enrollment and Tagging

The Concessions Cashier will inspect each stand's register(s) and/or POS system (Square or Clover) prior to the commencement of Fair. Staff will record the number of registers and POS devices per stand. All registers (including backups) model and serial numbers will be recorded. POS device names will also be recorded. Upon enrollment, staff will run an "X-tape" for all enrolled registers which indicate the current cumulative grand total. This procedure will help eliminate any confusion for Concessionaires with multiple stands and more than one register in any stand. Once it is approved for use, each register and POS device will be tagged and that tag must remain on the register or device for the duration of Fair. No register or POS device can be used until it is enrolled and tagged. The Concessions Cashier will set up an appointment with you for the enrollment and tagging process.

7) Receipts

All Food and Beverage Concessionaires MUST issue a sales receipt to the customer for each transaction. The receipt must be handed to the customer after every transaction and includes all cash, credit/debit cards, HRI approved food purchases and Fair issued meal tickets transactions. This procedure is mandatory and Concessionaires should not ask the customer if they want decline the opportunity to receive a receipt. Failure to issue receipts may result in the Concessionaire being required to issue a refund for the transaction for which the receipt was not issued. Noncompliance with this receipt issuance requirement may result in the non-renewal of the license agreement and/or removal from the grounds and forfeiture of all fees paid.

8) Register and POS Operation

Concessionaires must program their cash registers and POS devices with either PLUs (price lookup keys) or programmable keys for each product on their menu. Entering sales amounts not associated with a programmed product key is not permitted. Register keys may not be left in the register or in the drawer of the register and must only be accessible by a manager. The “no sale” key must be active and recorded to the “Z” report and POS daily sales report by device. Registers and POS systems that record “no sale” transactions will not be approved.

9) Recording Method of Payment

All registers and POS systems must be setup to record methods of payment as either: (1) Cash; and (2) Credit/Debit. All HRI approved food purchases and Fair issued meal tickets transactions are to be rung up as “Cash”. Cash and credit/debit cards must be shown separately on all Z tapes and POS-platform issued daily sales reports by register or device. Credit/debit transactions should not be entered as cash sales. If a hybrid system comprised of a register and POS without receipt printing capability is used, all credit/debit transactions processed on the POS must be re-entered into the register under the credit/debit method of payment key. The total credit/debit on the POS platform issued sales report by device will be compared to the total credit/debit method of payment total on the cash register on the cash register “Z” reports. In the case of a discrepancy between the credit/debit totals on the register’s Z tape and POS platform issued sales report, the larger of the two figures shall be used for settlement purposes.

B. Non-Food Concessionaires:

There exist classes of commercial vendors that sell services or experiences that require a payment of commission of 15% of sales against a guarantee rental amount. Requirement for daily accounting using forms prepared and promulgated by the concessions department.

1) Daily Sales Reports

You are required to maintain a daily record of all gross receipts derived from your operation. This record shall be made available to the Fair at any time during the Fair. Daily sales report forms will be provided at check-in. Non-food percentage concessionaires must bring in a Z-tape or approved method of accounting every morning between 8:00 AM and 12 noon to the Administration Building. Each day, concessionaires will receive an updated copy of their 2020 daily reporting form that incorporates the sales from the previous day.

Once your reported sales reach the point that your deposit has been reduced to \$0, you will need to settle with the cashier by paying the 15% due each day. By reading your daily report you can tell when that will probably occur so please bring enough cash with you so that you can pay your bill at

the same time. Each day, concessionaires will receive an updated copy of their 2020 daily reporting form that incorporates the sales from the previous day.

The final day of sales activity shall be closed out in the Concessions/Cashiers Office starting 11:00PM and will run through 2:00AM Sunday morning. Any vendor who has not performed his/her final settlement with the Concessions Cashier by 2:00AM Sunday morning will not be permitted to return to the Delaware State Fair. The Concessions Cashier will not be open for business on the Sunday after Fair.

All information above must be shared with all of staff members and personnel on your team. Please sign below to confirm that you have thoroughly read and understand the rules above and will comply by them. Failure to sign and comply with rules above will result in termination of your contract. Thank you.

LICENSEE:

LICENSOR – THE DELAWARE STATE FAIR, INC.

Signature (type full name if filing electronically)

William J. DiMondi, General Manager

Printed Name and Title

Robin L. Rockemann, Concessions Manager

Cell Phone

E-Mail Address