

EXHIBIT A: Definition of Terms

The following terms used in this RFP shall have the following meanings:

1. "Agreement" – The food and beverage concessions and catering services contract executed between the Center and the selected respondent to this RFP which shall incorporate, among other things, the requirements outlined in this RFP and the terms and conditions set forth in **Exhibit M**.
2. "Catering" or "Catering Services" – The Operator's services that include the sales, preparation and serving of food and beverages for Constituents' and Licensees' special events or other activities on the Premises which have been approved by the War Memorial.
3. "Center" – The San Francisco War Memorial and Performing Arts Center which includes: the War Memorial Opera House, Davies Symphony Hall, Veterans Building including the Herbst Theatre, Zellerbach Rehearsal Hall, and the exterior adjacent grounds.
4. "City" – The City and County of San Francisco, a municipal corporation, acting through the War Memorial and Performing Arts Center.
5. "Concessions" or "Concessions Services" – The Operator's sales of food and beverages from Intermission Bars and other service areas to patrons of events at the Opera House, Davies Symphony Hall, Herbst Theatre, and Zellerbach Rehearsal Hall, and all related activities supporting such sales and/or necessary or incidental to such sales, and Operator's installation, operation, and maintenance of vending machines.
6. "Constituents" – San Francisco Ballet, San Francisco Opera, and San Francisco Symphony.
7. "Davies Symphony Hall" – Louise M. Davies Symphony Hall, located at 201 Van Ness Avenue.
8. "Gross Receipts" – Means the sales price of all food, beverage, candy, confections, incidentals and merchandise sold, leased, licensed or delivered by the Operator in or from the Premises, and the charges made for all services performed in or upon any part of the Premises for which a charge is made by the Operator, whether for cash or on credit, and in the case of sales on credit, whether or not payment is actually made; provided, however, there shall be excluded or deducted (but only to the extent they have been included), as the case may be, from Gross Receipts the following:
 - Sales and use taxes, so-called luxury taxes, consumers' excise taxes, gross receipts taxes, and other similar taxes now and in the future imposed and required to be collected by the Operator directly from patrons, customers, or as part of the selling price of any goods, wares, merchandise or services, and required to be paid over in turn by the Operator to any governmental agency;
 - Receipts from the sale or trade-in value of any smallwares or personal property used on the Premises and owned by the Operator which are not merchandise as allowed in the Agreement;

- The value of any merchandise or supplies belonging to the Operator returned to and accepted by the Operator, to the extent of any refund or adjustment actually granted or made, either in form of cash or credit;
 - Sums and credits received by the Operator in the settlement of claims, including insurance claims, for loss of or damage to merchandise;
 - The amount of any gratuities paid or given by patrons or customers to employees of the Operator where such gratuities are retained by the employees.
10. “Herbst Theatre” – Herbst Theatre located in the Veterans Building located at 401 Van Ness Avenue.
 11. “Intermission Bars” – All fixed and mobile concession stations in the Opera House, Davies Symphony Hall, Herbst Theatre, and Zellerbach Rehearsal Hall
 12. “Licensees” – The various cultural, entertainment and performing arts organizations and groups which license the Opera House, Davies Symphony Hall, Herbst Theatre, and Zellerbach Rehearsal Hall.
 13. “Opera House” – War Memorial Opera House, located at 301 Van Ness Avenue.
 14. “Operator” – The approved Proposer that enters into Agreement with War Memorial.
 15. “Premises” – The designated food and beverage areas or spaces to be used by the Operator for the exclusive operation of Concessions and Catering Services in the Opera House, Davies Symphony Hall, Herbst Theatre/Veterans Building, and Zellerbach Rehearsal Hall, as generally described in **Exhibit B**.
 16. “Proposer” – Any business entity or partnership responding to this RFP.
 17. “RFP” – Request for Proposal.
 18. “Veterans Building” – The War Memorial Veterans Building, located at 401 Van Ness Avenue.
 19. “Zellerbach Rehearsal Hall” – The Zellerbach Rehearsal Hall, located at 300 Franklin Street.
 20. “War Memorial” – War Memorial and Performing Arts Center, a department of the City and County of San Francisco.