

Department of Parks, Recreation
& Conservation

12212

June 16, 2010

To: The Honorable Board of Acquisition and Contract

From: Joseph A. Stout
Commissioner of Parks, Recreation and Conservation

Re: Authority to enter into an Agreement with Tough Man Inc. ("Tough Man"), pursuant to which the County will grant Tough Man a revocable License for use of designated areas of Croton Point Park and provide Tough Man with other incidental services in connection with a triathlon event called "The Westchester Tough Man ½ Ironman", a competition consisting of swimming, biking and running, to be held, rain or shine, on Saturday, September 11, 2010 for children and on Sunday, September 12, 2010 for adults (the "Event") for a License Fee of \$24,483. Race clinics for Event participants will be held on Saturday, August 14, 2010 and Sunday, August 15, 2010.

Authority is requested for the County of Westchester, acting by and through the Department of Parks, Recreation & Conservation (the "Department"), to enter into an agreement with Tough Man Inc., 63 South Ridge Street, Rye Brook, New York 10573 ("Tough Man"), pursuant to which the County will grant Tough Man a revocable License for use of designated areas of Croton Point Park to hold a triathlon event called "The Westchester Tough Man ½ Ironman" (the "Agreement"), a competition consisting of swimming, biking and running, to be held, rain or shine, on Saturday, September 11, 2010 for children and on Sunday, September 12, 2010 for adults (the "Event"). Tough Man will also be granted access to the Park on Saturday, August 14, 2010 between the hours of 6:30 am and 12:00 pm and on Sunday, August 15, 2010 between the hours of 7:00 am and 9:00 am to conduct race clinics for Event participants.

In addition to granting a License for use of designated portions of Croton Point Park, pursuant to the Agreement, the County will provide Tough Man with Department staff, County Police, EMS Services, Port-O-Sans, use of designated areas for overnight camping on September 10th and September 11th and other incidental services for the Event.

The term of the Agreement will commence on August 14, 2010 and expire on September 12, 2010 with access being given to the Park at the specific dates and times enumerated in the Agreement. In consideration for granting the License and for the additional services detailed in the Agreement, Tough Man will pay the County a License Fee of \$24,483.

The objective of this Agreement is to offer Westchester residents an opportunity to compete locally in a triathlon event, complimenting the County's goal of a more active and healthier Westchester County under the "Be Fit" Westchester umbrella. Additionally, it promotes our facility and increases revenue to the County. Department of Parks, Recreation and Conservation personnel will track and monitor the production of the event through frequent site visits.

The proposed Agreement is exempt from the Westchester County Procurement Policy pursuant to Section 3(b) thereof.

As this is a revenue-producing contract for the County, I respectfully request the approval of the annexed resolution.

APPROVED BOARD OF ACQUISITION & CONTRACT - 7-1-2010 - JOMARY VIEIRA, SECRETARY

RESOLUTION

Upon a communication from the Commissioner of Parks, Recreation & Conservation, be it hereby

RESOLVED, that the County of Westchester, acting by and through the Department of Parks, Recreation & Conservation (the "Department") is authorized to enter into an agreement with Tough Man Inc., 63 South Ridge Street, Rye Brook, New York 10573 ("Tough Man"), pursuant to which the County will grant Tough Man a revocable License for use of designated areas of Croton Point Park to hold a triathlon event called "The Westchester Tough Man ½ Ironman" (the "Event"), a competition consisting of swimming, biking and running, to be held, rain or shine, on Saturday, September 11, 2010 for children and on Sunday, September 12, 2010 for adults (the "Agreement"); and be it further

RESOLVED, that the Agreement will provide that Tough Man will also be granted access to the Park on Saturday, August 14, 2010 between the hours of 6:30 am and 12:00 pm and on Sunday, August 15, 2010 between the hours of 7:00 am and 9:00 am to conduct race clinics for Event participants; and be it further

RESOLVED, that the Agreement will also provide Tough Man with Department staff, County Police, EMS Services, Port-O-Sans, use of designated areas for overnight camping on September 10th and September 11th and other incidental services for the Event; and be it further

RESOLVED, that the term of the Agreement shall commence on August 14, 2010 and expire on September 12, 2010 with access being given to the Park at the specific dates and times enumerated in the agreement; and be it further

RESOLVED, that as full payment for the License and all services related to the Event, as provided in the Agreement, Tough Man shall pay the County a License fee of \$24,483; and be it further

RESOLVED, that the County Executive or his authorized designee is hereby empowered to execute any and all instruments and take such other actions as may be reasonably necessary to effectuate the purposes hereof.

Account to be
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars
165	42	4100	9553		\$24,483

Budget Funding Year(s) 2010 Start Date 8/14/2010 End Date 9/12/2010
(must match resolution)

Funding Source Tax Dollars _____
State Aid _____
\$ 24,483 Federal Aid _____
(must match resolution) Other _____ Revenue _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 7-1-2010 - JOMARY VIEIRA, SECRETARY