

14431

October 4, 2010

To: Board of Acquisition and Contract

From: John J. Hsu, P.E.
Acting Commissioner of Transportation

Re: Authority to amend a license agreement with Airport Mart, Inc. for space in the main terminal building at the Westchester County Airport in order to provide additional space.

Pursuant to a Resolution approved by your Honorable Board on November 19, 2009, the County of Westchester entered into a license agreement with Airport Mart, Inc. for the use of approximately 254 square feet of space in the terminal building at the Westchester County Airport as a news, gift and sundries shop for a term from January 1, 2010 through December 31, 2014 with the County's option to renew the agreement for 5 additional years.

Authority is now requested for the County to amend the license agreement to permit Airport Mart, Inc. to occupy an additional 150 square feet for an additional license fee of \$787.50 per month (\$9,450. annually) with 3% annual increases commencing on January 1, 2011 to operate a Dunkin Donuts franchise from the terminal, offering coffee and donuts on a self-serve basis. In consideration of licensee's planned improvements totaling approximately \$75,000, including electrical, plumbing, flooring and glass, the County will provide a license fee abatement of \$385 per month for four (4) years. Airport Mart, Inc. currently pays the County an annual license fee of \$16,109 plus a percentage of its annual gross receipts, exclusive of sales tax and payments for New York State lottery games, as follows: 3.5% on gross sales up to \$250,000 and 4.5% on gross sales over \$250,000. All other terms and conditions of the agreement will remain unchanged.

This agreement will benefit the public by making additional travel items and necessities available to passengers at the airport. The goals and objectives will be to provide additional conveniences and services to the public. Airport Administration will oversee the license agreement and invoice Airport Mart, Inc. for both the license fee and gross receipts

percentage with the licensee required to provide monthly sales statements and an annual report from a licensed CPA.

This license is exempt from the County's Procurement Policy pursuant to Section 3(b) therein. An appropriate Resolution is attached for your consideration.

JJH/DLV/dv

APPROVED BOARD OF ACQUISITION & CONTRACT - 10-21-2010 - JOMARY VIEIRA, SECRETARY

RESOLUTION

Upon a communication from the Acting Commissioner of Transportation, be it hereby

RESOLVED, that the County of Westchester is authorized to amend the license agreement with Airport Mart, Inc. for the use of approximately 254 square feet of space in the terminal building at the Westchester County Airport as a news, gift and sundries shop, to permit the licensee to occupy an additional 150 square feet for an additional license fee of \$787.50 per month (\$9,450. annually) with 3% annual increases, commencing on January 1, 2011 to operate a Dunkin Donuts franchise, offering coffee and donuts on a self-serve basis; and be it further

RESOLVED, that in consideration of the licensee's planned improvements totaling approximately \$75,000, including electrical, plumbing, flooring and glass, the County shall provide a license fee abatement of \$385 per month for four (4) years; and be it further

RESOLVED, that all other terms and conditions of the agreement shall remain unchanged; and be it further

RESOLVED, that the County Executive or his authorized designee is hereby authorized to execute all instruments and take all actions reasonably necessary to implement this Resolution.

Original Resolution \$ 84,718.00
 1st Amendment \$ 21,055.29
 Total \$105,773.29

Account to be Charged/credited	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	161	44	4110	9096-01		\$4,830.00 Year 2011
	161	44	4110	9096-01		\$5,113.50 Year 2012
	161	44	4110	9096-01		\$5,405.51 Year 2013
	161	44	4110	9096-01		\$5,706.28 Year 2014

Budget Funding Year(s) 2011-2014 Start Date 1/01/11 End Date 12/31/14
 (must match resolution)

Revenue Tax Dollars _____
 State Aid _____
 Federal Aid _____
\$21,055.29
 (must match resolution) Other Airport Special Revenue Fund

APPROVED BOARD OF ACQUISITION & CONTRACT - 10-21-2010 - JOMARY VIEIRA, SECRETARY