

**16653**

January 6, 2011

TO: Board of Acquisition and Contract

FROM: Kathleen M. O'Connor, Commissioner  
Parks, Recreation and Conservation

RE: AUTHORITY TO ENTER INTO A LICENSE AGREEMENT WITH  
MGE, INC., 4 MANHATTAN AVENUE, RYE, NEW YORK 10580 FOR  
THE OPERATION OF A CONCESSION RIDE KNOWN AS  
"STARSHIP 2000" AT PLAYLAND PARK FOR THE 2011  
OPERATING SEASON FOR A TERM COMMENCING MAY 1, 2011  
AND TERMINATING OCTOBER 31, 2011

Authority is requested of this Board for the County of Westchester to enter into a license agreement with MGE, Inc. for the operation of a concession ride known as "Starship 2000" at Playland Park, Rye, New York for the 2011 operating season for a term commencing May 1, 2011 and terminating October 31, 2011.

As consideration for this license privilege, MGE, Inc. will pay the County of Westchester a license fee of 45% of gross receipts during the operating season. At the conclusion of the operating season an adjustment will be made, if necessary, to the license fee percentage based upon the end of season gross receipts as follows:

<u>End of Season Gross Receipts</u>	<u>License Fee</u>
If Total Gross Receipts are \$225,000 or less	38%
If Total Gross Receipts are between \$225,001 to \$240,000	40%
If Total Gross Receipts are between \$240,001 to \$330,000	45%
If Total Gross Receipts are between \$330,001 to \$350,000	43%
If Total Gross Receipts are between \$350,001 and over	41%

The goal and objective of this agreement is to increase County revenue while providing a safe attraction for Playland patrons. If this agreement were not in place, the "Starship 2000" ride would not be available for patron use. The County would also lose revenue as a result of the ride not being open.

The objective of this agreement will be monitored using inspection and ridership reports.

This agreement is exempt from the County's procurement policy pursuant to Section 3 (b).

A Resolution is attached for your favorable consideration.

# RESOLUTION

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

**RESOLVED**, that the County of Westchester is authorized to enter into a license agreement with MGE, Inc., 4 Manhattan Avenue, Rye, New York 10580 for the operation of a concession ride known as "Starship 2000" at Playland Park, Rye, New York 10580 for the 2011 operating season for a term commencing May 1, 2011 and terminating October 31, 2011; and be it further

**RESOLVED**, that for this license privilege, MGE, Inc., will pay the County of Westchester a license fee of 45% of gross receipts during the operating season; and be it further

**RESOLVED**, that at the conclusion of the operating season an adjustment will be made, if necessary, to the license fee percentage based upon the end of season gross receipts as follows:

<u>End of Season Gross Receipts</u>	<u>License Fee</u>
If Total Gross Receipts are \$225,000 or less	38%
If Total Gross Receipts are between \$225,001 to \$240,000	40%
If Total Gross Receipts are between \$240,001 to \$330,000	45%
If Total Gross Receipts are between \$330,001 to \$350,000	43%
If Total Gross Receipts are between \$350,001 and over	41%; 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 reasonably be necessary to effectuate the purposes thereof.

APPROVED BOARD OF ACQUISITION & CONTRACT ADMINISTRATION 2011 - JOMARY VIEIRA, SECRETARY

Original Agreement \$133,000  
 First Amendment \$  
**This Amendment \$ \_\_\_\_\_**  
 TOTAL \$133,000

Agreement #

Account to be  
 Charged/Credited

Fund	Dept	Major Program, Program & Phase  Or Unit	Object/ Sub-Object	Trust Account	Dollars
165	42	5520	9201		\$133,000 est

Budget Funding Year(s) 2011 Start Date 5/1/2011 End Date 10/31/2011  
 (must match resolution)

Funding Source Tax Dollars \_\_\_\_\_  
 State Aid \_\_\_\_\_  
**\$ 133,000** Federal Aid \_\_\_\_\_  
 (must match resolution)  
 Other ESTIMATED REVENUE \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT - 1-28-2011 JOMARY VIEIRA, SECRETARY