

**17944**

March 23, 2011

TO: Board of Acquisition and Contract

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

RE: AUTHORITY TO AMEND A LICENSE AGREEMENT WITH  
CULINART, INC., 175 SUNNYSIDE BLVD., PLAINVIEW, NY  
11803 FOR THE OPERATION OF THE FOOD, REFRESHMENT AND  
CATERING CONCESSIONS AT PLAYLAND PARK IN RYE, NY AND  
THE WESTCHESTER COUNTY CENTER IN WHITE PLAINS, NY FOR  
A TERM COMMENCING FEBRUARY 1, 2009 AND TERMINATING  
DECEMBER 31, 2013 BY ALLOWING FOR THE OPERATION OF  
SODA VENDING AT PLAYLAND AND INCREASING THE LICENSE  
FEE PAYABLE BY \$30,000 A YEAR

By resolution dated January 29, 2009, your Honorable Board authorized the County to enter into a license agreement with Culinart, Inc., 175 Sunnyside Blvd., Plainview, New York 11803 for the operation of the food, refreshment and catering concessions at Playland Park in Rye, NY and the Westchester County Center in White Plains, NY for a term commencing February 1, 2009 and terminating December 31, 2013. An agreement was subsequently executed.

Authority is now requested of this Board for the County of Westchester to amend this license agreement with Culinart, Inc., 175 Sunnyside Blvd., Plainview, New York 11803 for the operation of the food, refreshment and catering concessions at Playland Park in Rye, NY and the Westchester County Center in White Plains, NY for a term commencing February 1, 2009 and terminating December 31, 2013 by allowing for the operation of up to twelve soda vending machines at various locations throughout Playland Park.

Accordingly, authority is requested to amend the agreement with Culinart, Inc. to allow for the operation of soda vending and increase the license fee payable by \$30,000 a year in 2011, 2012 and 2013.

The goal and objective of this amendment is to provide soda vending for Playland patrons. This agreement promotes fiscal responsibility as the County will benefit from the revenue generated by it.

The goal and objective of this amendment will be monitored using revenue reports.

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

A Resolution is attached for your favorable consideration.

APPROVED BOARD OF ACQUISITION & CONTRACT - 4-15-2011 - JOMARY VIEIRA, SECRETARY

## RESOLUTION

**WHEREAS**, on January 29, 2009, the Board of Acquisition and Contract approved the execution of a license agreement with Culinart, Inc. for the operation of the food, refreshment and catering concessions at Playland Park in Rye, NY and the Westchester County Center in White Plains, NY for a term commencing February 1, 2009 and terminating December 31, 2013 under certain terms and conditions; and

**WHEREAS**, the Agreement was for a minimum license fee of \$4,977,415;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the County of Westchester is authorized to amend a license agreement with Culinart, Inc., 175 Sunnyside Blvd., Plainview, New York 11803 for the operation of the food, refreshment and catering concessions at Playland Park in Rye, NY and the Westchester County Center in White Plains, NY for a term commencing February 1, 2009 and terminating December 31, 2013 by allowing for the operation of up to twelve soda vending machines at various locations throughout Playland Park; and be it further

**RESOLVED**, that Culinart, Inc. will pay the County of Westchester an additional license fee of \$30,000 a year for the 2011, 2012 and 2013 operating seasons; and be it further

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

**RESOLVED**, that the County Executive or his duly 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 - 4/5/2011 - PRIMARY VENDOR SECRETARY

Original Agreement      \$4,977,415  
 First Amendment        \$  
**This Amendment**      **\$ 90,000**  
 TOTAL                      \$5,067,415

Agreement #

Account to be  
 Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars	
165	42	5520	9205		\$30,000	2011
165	42	5520	9205		\$30,000	2012
165	42	5520	9205		\$30,000	2013

Budget Funding Year(s) **2011-2013**      Start Date **2/1/2009**      End Date **12/31/2013**  
 (must match resolution)

Funding Source      Tax Dollars \_\_\_\_\_  
                                  State Aid \_\_\_\_\_  
**\$90,000**              Federal Aid \_\_\_\_\_  
 (must match resolution)  
                                  Other REVENUE \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT - 4-15-2011 - JOMARY VIEIRA, SECRETARY