

19193

May 20, 2011

To: The Honorable Board of Acquisition and Contract

From: John J. Hsu, P.E.  
Commissioner of Public Works and Transportation

Mary Mahon  
Director of Real Estate

Re: Authority to enter into a license agreement with Martine Gourmet, Inc. for the use of space located in the basement level of the Michaelian Office Building for a food and beverage service for a five year term commencing on July 1, 2011 and terminating on June 30, 2016. (Agreement No. 11-913)

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The Department of Public Works and Transportation (DPWT) issued a Request for Proposals (RFP) on March 29, 2011, and posted the RFP on the County's web site, for the Provision of Food and Refreshment Services, located in the basement level of the Michaelian Office Building, 148 Martine Avenue, White Plains, New York. In addition, seven (7) RFP's were sent to interested parties, and on May 13, 2011 two (2) respondents submitted their proposals. DPWT reviewed the responses and resumes and the vendor with the most beneficial license fee and qualifications was selected.

Authority is now requested for the County of Westchester to enter into a license agreement with Martine Gourmet, Inc. ("MGI"), 186 Martine Avenue, White Plains, New York 10601, for the use of space located in the basement level of the Michaelian Office Building for a food and beverage service for a five year term commencing on July 1, 2011 and terminating on June 30, 2016. The space consists of approximately 140 square feet. Throughout the term MGI will pay the County a license fee as follows:

July 2011- June 2012	\$300- \$350 monthly
July 2012- June 2013	\$350-\$375 monthly
July 2013- June 2014	\$375- \$400 monthly
July 2014- June 2015	\$400-\$425 monthly
July 2015- June 2016	\$425-\$450 monthly

The County will supply electricity at no additional cost to the Licensee. MGI will be responsible for paying any real estate taxes and utilities (i.e. telephone/data lines) attributable to the licensed premises. MGI will agree to

indemnify and defend the County against any claims arising from its use of the licensed premises. The license agreement will be subject to termination, without cause, by the County upon thirty (30) days notice.

This license agreement serves a public purpose by providing a food and beverage service to County employees and the general public while providing revenue to the County. This license will be monitored by the Department of Public Works and Transportation, with payments tracked by the Finance Department.

We recommend adoption of the attached proposed Resolution.

JJH/MRD/md  
attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 06/09/2011 - JOMARY VERA, SECRETARY

# RESOLUTION

Upon a communication from the Commissioner of Public Works and Transportation and the Director of Real Estate, it is hereby

**RESOLVED**, that the County of Westchester is authorized to enter into a license agreement with Martine Gourmet, Inc. ("MGI"), 186 Martine Avenue, White Plains, New York 10601, for the use of approximately 140 square feet of space located in the basement level of the Michaelian Office Building for a food and beverage service for a five year term commencing on July 1, 2011 and terminating on June 30, 2016; and be it further

**RESOLVED**, that throughout the term, MGI shall pay a license fee as follows:

July 2011- June 2012	\$300- \$350 monthly
July 2012- June 2013	\$350-\$375 monthly
July 2013- June 2014	\$375- \$400 monthly
July 2014- June 2015	\$400-\$425 monthly
July 2015- June 2016	\$425-\$450 monthly; and be it further

**RESOLVED**, that the County shall supply electricity to the licensed premises at no additional cost to the Licensee; and be it further

**RESOLVED**, that MGI shall be responsible for paying any real estate taxes and utilities (i.e. telephone/data lines) attributable to the licensed premises; and be it further

**RESOLVED**, that MGI shall agree to indemnify and defend the County against any claims arising from its use of the licensed premises; and be it further

**RESOLVED**, that the license agreement shall be subject to termination, without cause, by the County upon thirty (30) days notice; and be it further

# RESOLUTION

**RESOLVED**, that the County Executive or his authorized designee is hereby authorized and empowered to execute all instruments and take all actions necessary and appropriate to effectuate the purposes hereof.

Agreement No. 11-913

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	101	46	3200	9289		\$1,800.00 (2011)
	101	46	3200	9289		\$4,200.00 (2012)
	101	46	3200	9289		\$4,500.00 (2013)
	101	46	3200	9289		\$4,800.00 (2014)
	101	46	3200	9289		\$5,100.00 (2015)
	101	46	3200	9289		\$2,700.00 (2016)

Budget Funding Year(s) 2011-2016 Start Date 07/01/11 End Date 06/30/16  
 (must match resolution)

Funding Source: Tax Dollars \_\_\_\_\_ Contractor Federal I.D. No./  
 Social Security No.: \_\_\_\_\_  
 State Aid \_\_\_\_\_  
\$23,100.00 Federal Aid \_\_\_\_\_ Vendor No.: \_\_\_\_\_  
 (must match resolution) Other \_\_\_\_\_ Revenue \_\_\_\_\_ Encumbrance No.: \_\_\_\_\_

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