

22852

November 3, 2011

TO: Board of Acquisition and Contract

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

RE: Authority to terminate the agreement with MSRC Operating Corporation and enter into an agreement with Sprain Rest. Corp., 209 East Grassy Sprain Road, Yonkers, New York 10710 for the food and refreshment concession at Sprain Lake Golf Course

On March 19, 2009, the Board of Acquisition and Contract granted authority to enter into a license agreement with MSRC Operating Corporation, 209 East Grassy Sprain Road, Yonkers, NY 10710 for the food and refreshment concession at Sprain Lake Golf Course for the period of March 20, 2009 through December 31, 2013, with the sole option of the County to extend the agreement for a period of five years. Michael Santise, the president of the corporation, is deceased and his brother Philip has formed a new corporation, Sprain Rest. Corp. for the operation of the concession and shall continue the operation with the same level of service.

Authority is requested to terminate the agreement with MSRC Operating Corporation, 209 East Grassy Sprain Road, Yonkers, New York and enter into a new agreement with Sprain Rest. Corp., 209 East Grassy Sprain Road, Yonkers, New York 10710 for the food and refreshment concession at Sprain Lake Golf Course for the period of January 1, 2012 through December 31, 2013, with the sole option of the County to extend the agreement for a five year period from January 1, 2014 through December 31, 2018.

For the privilege of providing this service, Sprain Rest. Corp. will pay to the County the following fixed license fees:

<u>Period</u>	<u>Fixed License Fee</u>
2012	\$27,320
2013	\$28,140

In addition to the above fixed license fee, Sprain Rest. Corp. will pay to the County, during each year of the license, a percentage license fee equal to 10% of gross sales in excess of \$275,000.

If the County, at its sole discretion, extends the license agreement, Sprain Rest. Corp. will pay to the County the following fixed license fees during the option period:

<u>Period</u>	<u>Fixed License Fee</u>
2014	\$30,000
2015	\$30,900
2016	\$31,900
2017	\$32,860
2018	\$33,850

In addition to the above fixed license fee, Sprain Rest. Corp. will pay to the County, during each year of the option period, a percentage license fee equal to 10% of gross sales in excess of \$325,000.

The public purpose of this agreement is to provide food and refreshments for patrons at Sprain Lake Golf Course. The goal of this agreement is to provide revenue to the County and provide an important amenity in support of the golf course.

The objective of this agreement will be tracked and monitored by observations and interactions with staff and site visits.

This agreement is exempt from the Westchester County procurement policy pursuant to Section 3(b), thereof.

Accordingly, approval of the attached resolution by your Honorable Board is most respectfully requested.

APPROVED BOARD OF ACQUISITION & CONTRACTS 12/01/2014 HONORARY VIEIRA, SECRETARY

RESOLUTION

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

RESOLVED, that the County of Westchester is hereby authorized to terminate the agreement with MSRC Operating Corporation, 209 East Grassy Sprain Road, Yonkers, New York 10710 for the food and refreshment concession at Sprain Lake Golf Course, Yonkers, New York and enter into an agreement with Sprain Rest. Corp., 209 East Grassy Sprain Road, Yonkers, New York 10710 for the food and refreshment concession at Sprain Lake Golf Course for the period of January 1, 2012 through December 31, 2013, with the sole option of the County to extend the agreement for a five year period from January 1, 2014 through December 31, 2018; and be it further

RESOLVED, that as consideration for the privilege of operating this license, Sprain Rest. Corp. shall pay to the County of Westchester, the following fixed license fees:

<u>Period</u>	<u>Fixed License Fee</u>
2012	\$27,320
2013	\$28,140; and be it further

RESOLVED, that in addition to the fixed license fee, Sprain Rest. Corp. will pay to the County, during each year of the license, a percentage license fee equal to 10% of gross sales in excess of \$275,000; and be it further

RESOLVED, that the County, at its sole option, may extend the agreement for a period of five years commencing January 1, 2014 through December 31, 2018; and be it further

RESOLVED, that if the County, at its sole option, extends the agreement for an additional period of five years, Sprain Rest. Corp. will pay to the County the following fixed license fees:

<u>Period</u>	<u>Fixed License Fee</u>
2014	\$30,000
2015	\$30,900
2016	\$31,900
2017	\$32,860
2018	\$33,850; and be it further

RESOLVED, that if the County, at its sole option, extends the agreement for an additional period of five years, Sprain Rest. Corp. will pay to the County, in addition to the fixed license fee, during each year of the option period, a percentage license fee equal to 10% of gross sales in excess of \$325,000; and be it further

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

Original Agreement \$55,460
 First Amendment \$
This Amendment \$ _____
 TOTAL \$55,460

Agreement #

Account to be
 Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars	
165	42	3250	9246		\$ 27,320	2012
165	42	3250	9246		\$ 28,140	2013

Budget Funding Year(s) 2012-2013 Start Date 01-01-12 End Date 12-31-13
 (must match resolution)

Funding Source Tax Dollars _____
 State Aid _____
\$55,460 Federal Aid _____
 (must match resolution) Other Revenue _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/8/2011 - SOMARY VIEIRA, SECRETARY