

23566

December 8, 2011

TO: Board of Acquisition and Contract

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

RE: Authority to enter into a license agreement with MOJO BBQ LLC, 6028 Fieldston Road, Bronx, NY 10471 for the operation of the food, refreshment and catering concession at Dunwoodie Golf Course, Yonkers, New York for the period January 1, 2012 through December 31, 2016

Authority is hereby requested for the County of Westchester, acting by and through the Department of Parks, Recreation and Conservation to enter into a license agreement with MOJO BBQ LLC, 6028 Fieldston Road, Bronx, NY 10471, for the operation of the food, refreshment and catering concession at Dunwoodie Golf Course, Yonkers, New York for the period January 1, 2012 through December 31, 2016, with the sole option of the County to extend the agreement for an additional period of five years for a license fee to be negotiated.

For the privilege of operating the food, refreshment and catering concession, MOJO BBQ LLC shall pay to the County a license fee consisting of a fixed fee and a percentage of gross sales, less sales tax, in excess of \$500,000 during each year of the agreement. The fixed fee will be:

<u>Period</u>	<u>Fixed Fee</u>
January 1, 2012 through December 31, 2012	\$125,000
January 1, 2013 through December 31, 2013	\$131,250
January 1, 2014 through December 31, 2014	\$137,812
January 1, 2015 through December 31, 2015	\$144,702
January 1, 2016 through December 31, 2016	\$151,937

MOJO BBQ LLC will also pay an additional license fee based on a percentage of gross sales, less sales tax in excess of \$500,000 according to the following schedule:

<u>Period</u>	<u>Percentage Fee</u>
January 1, 2012 through December 31, 2012	5%
January 1, 2013 through December 31, 2013	5%
January 1, 2014 through December 31, 2014	6%
January 1, 2015 through December 31, 2015	6%
January 1, 2016 through December 31, 2016	7%

In addition to the above license fees, MOJO BBQ LLC, will complete repairs to the facility at a total estimated value of \$79,265 as listed on the attached schedule. All repairs will be completed no later than December 31, 2012.

Although licenses are exempt from the County's Procurement Policy pursuant to section 3(b) therein, a Request for Proposals was developed. Notification of the RFP was sent to more than 75 individuals and organizations. The RFP was also advertised in the Journal News and on the Westchester County and Westchester County Department of Parks, Recreation and Conservation websites.

In response to the RFP, a total of four proposals were received. Two proposers subsequently asked to withdraw their proposals from consideration. Of the two remaining proposals, MOJO BBQ LLC had the best overall qualifications and they offered the highest minimum license fees.

The goal of this agreement is to provide revenue for the County and services for food, refreshment and catering for golfers and other patrons. 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

2/23/2011 - CLERK OF SUPERIOR COURT
CLERK OF SUPERIOR COURT

RESOLUTION

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

RESOLVED, that the County of Westchester is hereby authorized to enter into a license agreement with MOJO BBQ LLC, 6028 Fieldston Road, Bronx, NY 10471, for the operation of the food, refreshment and catering concession at Dunwoodie Golf Course, Yonkers, New York for the period January 1, 2012 through December 31, 2016, with the sole option of the County to extend the agreement for an additional period of five years for a license fee to be negotiated; and be it further

RESOLVED, that for the privilege of operating the food, refreshment and catering concession, MOJO BBQ LLC shall pay to the County a license fee consisting of a fixed fee and a percentage of gross sales, less sales tax, in excess of \$500,000 during each year of the agreement. The fixed fee and will be:

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January 1, 2016 through December 31, 2016	7%; and be it further

RESOLVED, MOJO BBQ LLC shall complete capital improvements valued at \$79,265 listed on the attached schedule; 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.

Agreement #

Account to be
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars	
165	42	3050	9246		\$ 125,000*	2012
165	42	3050	9246		\$131,250*	2013
165	42	3050	9246		\$137,812*	2014
165	42	3050	9246		\$144,702*	2015
165	42	3050	9246		\$151,937*	2016

Budget Funding Year(s) 2012-2016 Start Date 1-1-12 End Date 12-31-16
(must match resolution)

Funding Source Tax Dollars _____
State Aid _____
\$690,701* Federal Aid _____
(must match resolution) Other PRC Revenue

*Estimated

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/29/2011 - JOMARY NEIRA, SECRETARY

**Dunwoodie Golf Course Food, Refreshment and Catering Concession
Schedule of Improvements**

<u>Improvement</u>	<u>Estimated Cost</u>	<u>Completion Date</u>
Furnish and install awning at front entrance	\$ 2,800	5/1/12
Replace fencing around rear storage area	\$ 1,450	4/1/12
Repair dining room floor	\$ 850	3/1/12
Furnish and install three ductless air conditioning units	\$ 8,152	6/1/12
Furnish and install diesel 3-phase standby generator	\$37,088	9/1/12
Renovate existing handicapped restroom including floors, walls and fixtures	\$12,500	3/1/12
Furnish and install landscaping improvements	\$ 1,800	5/1/12
Remove and cart away 1,950 square feet of commercial grade carpeting and replace with similar carpeting	\$ 8,775	6/1/12
<u>Paint all wall surfaces damaged from use</u>	<u>\$ 5,850</u>	<u>3/1/12</u>
Total	\$79,265	

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