

24077

December 28, 2011

TO: Board of Acquisition and Contract

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

RE: Authority to amend the Resolution of December 1, 2011 ("December 1, 2011 Resolution") which authorized the termination of the license agreement with Saxon Restaurant Corporation for the food and refreshment concession at Saxon Woods Golf Course and the commencement of a new agreement with Saxdale Rest. Corp., 315 Mamaroneck Road, Scarsdale, New York in order to revise the license fees, include additional improvements, extend the term of the agreement for two years from December 31, 2014 to December 31, 2016 and include a five-year renewal option, at the County's option.

On February 5, 2005, the Board of Acquisition and Contract granted authority to enter into a license agreement with Saxon Restaurant Corporation, 315 Mamaroneck Road, Scarsdale, New York for the food and refreshment concession at Saxon Woods Golf Course for the period of January 1, 2005 through December 31, 2009, with the sole option of the County to extend the agreement for a period of five years. On December 7, 2009, the Board of Acquisition and Contract granted authority to exercise the option to extend the agreement from January 1, 2010 to December 31, 2014. On December 1, 2011, the Board of Acquisition and Contract granted authority to terminate the agreement with Saxon Restaurant Corporation and enter into a new license agreement with Saxdale Rest. Corp. from January 1, 2012 through December 31, 2014. The agreement has not yet been executed.

The new license agreement with Saxdale Rest. Corp. was intended to mirror the agreement with Saxon Restaurant Corporation, however the license fees included in the December 1, 2011 Resolution were incorrect. The attached resolution amends the license fees to mirror the license fees in the agreement with Saxon Restaurant Corporation for the period of January 1, 2012 through December 31, 2014.

Following the submission of the December 1, 2011 Resolution, Saxdale Rest. Corp. submitted a proposal which included additional improvements with an estimated value of \$92,200, included on the attached Schedule, which the Department of Parks, Recreation and Conservation considers to be in the best interest of the County. Saxdale Rest. Corp. could not amortize these improvements during the three years in the original license agreement and the Department of Parks, Recreation and Conservation agreed that the term be changed from three years to five years with a five-year renewal option, at the County's option. The license fee for the additional

two years of the agreement reflects a 5 percent annual increase in the fixed portion of the license fee.

The license fee in the December 1, 2011 Resolution is amended to the following:

Saxdale Rest. Corp. shall pay to the County an annual License Fee the greater of eight percent (8%) of gross sales, less sales tax or:

January 1, 2012 through December 31, 2012 - \$54,877
January 1, 2013 through December 31, 2013 - \$57,621
January 1, 2014 through December 31, 2014 - \$60,502
January 1, 2015 through December 31, 2015 - \$63,527
January 1, 2016 through December 31, 2016 - \$66,703.

The December 1, 2011 Resolution is amended to include that Saxdale Rest. Corp. shall also complete improvements with an estimated value of \$92,200 listed on the attached schedule.

The December 1, 2011 Resolution is amended to include that the County, at its sole option, may extend the License with Saxdale Rest. Corp. for an additional period of five years from January 1, 2017 to December 31, 2021 at a license fee to be determined.

All other terms and conditions of the December 1, 2011 Resolution shall remain the same.

The public purpose of this agreement is to provide food and refreshments at Saxon Woods Golf Course. This is an important amenity to the operation of the golf course and the satisfaction of golfers with the overall golf experience. The goal of this agreement is to provide revenue and improvements to the golf course for the County while enhancing the overall operation 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.

RESOLUTION

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

RESOLVED, that the Resolution of December 1, 2011 which authorized the termination of the license agreement with Saxon Restaurant Corporation and the commencement of a new license agreement with Saxdale Rest. Corp. be amended to revise the term of the license agreement from January 1, 2012 to December 31, 2014 to January 1, 2012 to December 31, 2016; and be it further

RESOLVED, that the Resolution of December 1, 2011 shall be amended to include that the County, at its sole option may extend the license for the period of January 1, 2017 to December 31, 2021 for a license fee to be determined; and be it further

RESOLVED, that the Resolution of December 1, 2011 shall be amended to reflect that Saxdale Rest. Corp. shall pay to the County an annual License Fee the greater of eight percent (8%) of gross sales, less sales tax or:

January 1, 2012 through December 31, 2012 - \$54,877
January 1, 2013 through December 31, 2013 - \$57,621
January 1, 2014 through December 31, 2014 - \$60,502
January 1, 2015 through December 31, 2015 - \$63,527
January 1, 2016 through December 31, 2016 - \$66,703; and be it further

RESOLVED, that the Resolution of December 1, 2011 shall be amended to include that Saxdale Rest. Corp shall also complete improvements with an estimated value of \$92,200 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.

Original Agreement \$252,843*
 First Amendment \$ 50,387*
This Amendment \$ _____
 TOTAL \$303,230*

Agreement #

Account to be
 Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars	
165	42	3200	9246		\$54,877*	2012
165	42	3200	9246		\$57,621*	2013
165	42	3200	9246		\$60,502*	2014
165	42	3200	9246		\$63,527*	2015
165	42	3200	9246		\$66,703*	2016

Budget Funding Year(s) 2012-2016 Start Date 01-01-12 End Date 12-31-16
 (must match resolution)

Funding Source Tax Dollars _____
 State Aid _____
\$50,387* Federal Aid _____
 (must match resolution) Other Revenue _____

*Estimated

Schedule of Improvements

Saxon Woods Golf Course Food and Refreshment Concession

<u>Improvement</u>	<u>Estimated Value</u>	<u>Completed by</u>
Awning and Breezeway	\$22,000	12/31/2012
Granite bar top, coffee station	\$ 8,000	4/1/2012
Flooring	\$ 9,000	4/1/2012
Plumbing	\$ 5,000	4/1/2012
Lighting and Electric	\$ 4,000	4/1/2012
Hood/Ansul/Exhaust	\$ 6,000	4/1/2012
Furnish and Install Sinks/Ice Chests	\$ 700	4/1/2012
Furniture and Upholstery	\$ 8,500	4/1/2012
Entrance Door	\$ 2,000	4/1/2012
Demolition/Carpentry	\$24,000	4/1/2012
Rubbish Removal	\$ 1,200	4/1/2012
Painting	\$ 1,800	4/1/2012
Total	\$92,200	