

ID24864

February 14, 2012

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 Homestyle at Dunwoodie, Inc., 1 Wasylenko Lane, Yonkers, New York 10701 for the operation of the food, refreshment and catering concession at Dunwoodie Golf Course, Yonkers, New York for the period March 1, 2012 through December 31, 2016

On December 29, 2011, authority was granted to enter into a license agreement with MOJO BBQ, LLC for the food and refreshment concession at Dunwoodie Golf Course for the period January 1, 2012 through December 31, 2016. MOJO BBQ, LLC did not sign the agreement and requested changes to the original agreement which were deemed not to be in the best interest of the County.

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 Homestyle at Dunwoodie, Inc., 1 Wasylenko Lane, Yonkers, New York 10701, for the operation of the food, refreshment and catering concession at Dunwoodie Golf Course, Yonkers, New York for the period of March 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, Homestyle at Dunwoodie, Inc. 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>
March 1, 2012 through December 31, 2012	\$105,833
January 1, 2013 through December 31, 2013	\$127,000
January 1, 2014 through December 31, 2014	\$128,000
January 1, 2015 through December 31, 2015	\$129,000
January 1, 2016 through December 31, 2016	\$130,000

Homestyle at Dunwoodie, Inc. 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>
March 1, 2012 through December 31, 2012	6%
January 1, 2013 through December 31, 2013	6%
January 1, 2014 through December 31, 2014	7%
January 1, 2015 through December 31, 2015	7%
January 1, 2016 through December 31, 2016	7%

In addition to the above license fees, Homestyle at Dunwoodie, Inc, will complete repairs to the facility for a total estimated value of \$105,422 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 and the other (MOJO BBQ) did not sign the agreement.

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 & CONTRACT - 03/27/2012 - HOMAR VEIRA, SECRETARY

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 Homestyle at Dunwoodie, Inc., 1 Wasylenko Lane, Yonkers, New York 10701 for the operation of the food, refreshment and catering concession at Dunwoodie Golf Course, Yonkers, New York for the period of March 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, Homestyle at Dunwoodie, Inc., 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:

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January 1, 2015 through December 31, 2015	7%
January 1, 2016 through December 31, 2016	7%; and be it further

RESOLVED, that Homestyle at Dunwoodie, Inc. shall complete capital improvements valued at \$105,422 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 \$ 619,833*
 First Amendment \$
This Amendment \$
 TOTAL \$ 619,833*

Agreement #

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars	
165	42	3050	9246		\$ 105,833*	2012
165	42	3050	9246		\$ 127,000*	2013
165	42	3050	9246		\$ 128,000*	2014
165	42	3050	9246		\$ 129,000*	2015
165	42	3050	9246		\$ 130,000*	2016

Budget Funding Year(s) 2012-2016 Start Date 3-1-12 End Date 12-31-16
 (must match resolution)

Funding Source Tax Dollars _____
 State Aid _____
\$618,167* Federal Aid _____
 (must match resolution) Other PRC Revenue

*Estimated

**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	\$ 8,500	12/31/12
Replace fencing around rear storage area, repair dining room floor, furnish and install landscaping improvements and related construction costs	\$ 22,400	12/31/12
Air conditioning units and condenser	\$ 26,800	12/31/12
Renovate existing handicapped restroom including floors, walls and fixtures	\$ 9,500	12/31/12
Furnish and install carpeting for main dining room and hallway, repair kitchen tiles and dance floor	\$ 32,422	12/31/12
Paint wall surfaces damaged from use	\$ 5,800	12/31/12
Total	\$105,422	

APPROVED BOARD OF ACQUISITION & CONTRACT - 0001/2012 - JOMARY VERA, SECRETARY