

25385

March 15, 2012

TO: Board of Acquisition and Contract

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

RE: **AUTHORITY TO ENTER INTO A LICENSE AGREEMENT WITH BIG BAR ENTERTAINMENT, LLC., 583 CITY ISLAND AVENUE, BRONX, NEW YORK 10464 FOR USE OF PLAYLAND PARK TO HOLD CONCERTS DURING THE 2012 OPERATING SEASON FOR THE PERIOD MAY 7, 2012 THROUGH SEPTEMBER 10, 2012 WITH NET REVENUES OF APPROXIMATELY \$175,092.**

Authority is requested for the County of Westchester to enter into a license agreement with Big Bar Entertainment, LLC ("Big Bar"), 583 City Island Avenue, Bronx, New York 10464 for the use of Playland Park, Playland Parkway, Rye, New York 10580 to hold concerts for the period May 7, 2012 through September 10, 2012 (the "License"). The net revenue to the County from this concert series is estimated to be \$175,092. The exact number of concerts is being determined, as Big Bar cannot book the talent until the proposed License agreement has been executed.

Pursuant to the proposed License, Big Bar will promote and produce concerts on dates to be determined during the 2012 Playland Season. Big Bar will host approximately six concerts on Monday evenings when Playland is normally closed and will also produce approximately three sponsor-promoted free concerts on other mutually agreed upon dates. The free concerts will be financed by sponsors obtained by Big Bar, but subject to prior approval by Playland. Big Bar and its principals have extensive experience in the entertainment business and in concert production including work done for the World Wildlife Fund, the Smithsonian, Live Nation and the Bamboozle Festival. This concert series is expected to generate substantial press coverage in the Tri-State area and should help to increase attendance, revenue and interest in Playland. The estimated media value for this concert series is approximately \$200,000.

For each concert held on a Monday, when Playland is normally closed, Playland will provide all of the required staff to operate the park, the stage, all existing sound and light equipment, backstage area and dressing rooms, portable seating, a private VIP area and a house stage manager. Big Bar will provide the acts, a sound engineer, stage security, stage personnel, stage manager, and any additional sound or lighting equipment that is required.

Big Bar will also handle event ticketing through Ticketmaster and will market and promote the shows.

For each Monday concert, Playland will receive as a License Fee a minimum of Twenty Five Thousand (\$25,000) Dollars or 17% of the gate receipts, whichever is greater. Gate receipts on Monday shows will be an entry fee for the concert, in an amount no less than Thirty (\$30) Dollars, which will be based on the talent booked. In addition, parking revenue for each Monday concert will be split Fifty (50%) Percent for Playland and Fifty (50%) Percent for Big Bar.

Regarding the sponsor-promoted free concerts to be held on mutually agreed upon dates when Playland is open to the public, Playland will provide the stage, all existing sound and light equipment, backstage area and dressing rooms. Big Bar will provide the acts and any additional sound or lighting equipment or stage personnel that is required.

Since this proposed agreement does not include food, patrons of this concert series will be purchasing food from Playland's food concession on the day of the shows. Playland will therefore, in addition to the above license fee, receive 24.1% of the revenue generated from food and beverage sales based upon an agreement with CulinArt, Inc., the County's food concessionaire for Playland Park.

This concert series will promote Playland in a variety of ways and will result in an increase in attendance and revenue during the 2012 season. The projected revenue produced by this agreement based on six Monday concerts and three sponsor promoted free concerts is Three Hundred Fifteen Thousand Six Hundred Sixty (\$315,660) Dollars. Playland will contribute an amount estimated at One Hundred Forty Thousand Five Hundred Sixty Eight (\$140,568) Dollars to staff the park on Mondays and to pay other operational and contractual costs associated with the concert series. The concert series will therefore provide the County with net revenues of approximately One Hundred Seventy Five Thousand Ninety Two (\$175,092) Dollars.

The goal and objective of this agreement is to increase attendance, revenue and exposure of Playland while providing entertainment for patrons. This agreement promotes fiscal responsibility as the media value and additional revenue generated will exceed the expenses associated with the concert series. The goal and objective of this agreement will be monitored using attendance and revenue reports.

This agreement is exempt from the County's Procurement Policy pursuant to Section 3 (b) thereof.

A resolution is attached for your favorable consideration.

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 authorized to enter into a license agreement for use of Playland Park, Playland Parkway, Rye, New York 10580 with Big Bar Entertainment, LLC ("Big Bar"), 583 City Island Avenue, Bronx, New York 10464 to hold approximately six ticketed concerts on Mondays and three free concerts for the period May 7, 2012 through September 10, 2012 (the "License") with net revenues to the County of approximately \$175,092; and be it further

RESOLVED, that for each Monday concert Playland will provide all of the required staff to operate the park, the stage, all existing sound and light equipment, backstage area and dressing rooms, portable seating, a private VIP area and a house stage manager while Big Bar will market and promote the shows and provide the acts, a sound engineer, stage security, stage personnel, stage manager, and any additional sound or lighting equipment that is required as well as event ticketing through Ticketmaster; and be it further

RESOLVED, that for each Monday concert, Big Bar will pay the County of Westchester as a License Fee a minimum of Twenty Five Thousand (\$25,000) Dollars or 17% of the gate receipts, whichever is greater. Parking revenue for each Monday concert will be split Fifty (50%) Percent for Playland and Fifty (50%) Percent for Big Bar; and be it further

RESOLVED, that for each sponsor-promoted free concert to be held on mutually agreed upon dates when Playland is open to the public, Playland will provide the stage, all existing sound and light equipment, backstage area and dressing rooms while Big Bar will provide the acts and any additional sound or lighting equipment or stage personnel that is required and the County will retain all gate receipts and parking revenue for each sponsor promoted free concert; and be it further

RESOLVED, that the projected revenue from this License based on six Monday concerts and three sponsor-promoted free concerts is Three Hundred Fifteen Thousand Six Hundred Sixty (\$315,660) Dollars. Playland will contribute an amount estimated at One Hundred Forty Thousand Five Hundred Sixty Eight (\$140,568) Dollars to staff the park on Mondays and to pay other operational and contractual costs associated with the concert series. The concert series will therefore provide the County with net revenues of approximately One Hundred Seventy Five Thousand Ninety Two (\$175,092) Dollars; and be it further

RESOLVED, that the County Executive or his authorized designee is hereby empowered to execute any and all instruments and take such other actions as may reasonably be necessary to effectuate the purposes thereof.

This Agreement **\$175,092**

Agreement #

Account to be
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
165	42	5520	9201		\$59,250 * est.
165	42	5520	9080		\$58,875 * est.
165	42	5520	9205		\$197,535 * est.
165	42	5520	4380		(\$7,908) * est.
165	42	5520	3200		(\$20,880) * est.
165	42	5520	1200		(\$82,800) * est.
165	42	5520	1400		(\$7,200) * est.
165	42	5520	4620		(\$1,440) * est.
165	42	5520	5390		(\$20,340) * est.

Budget Funding Year(s) 2012 Start Date 5/7/2012 End Date 9/10/2012
(Must match resolution)

Funding Source Tax Dollars _____

State Aid _____

\$175,092 estimate Federal Aid _____
(must match resolution)

Other Revenue _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 01/05/2012 - JOSEPH VIEIRA, SECRETARY