

ID 27441

Date: June 6, 2012

To: The Honorable Board of Acquisition and Contract

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

Re: Resolution authorizing the County of Westchester to enter into an agreement with ICING ON THE CAKE PRODUCTIONS, INC., 16 Friendly Way, Hopewell Junction, New York 12533, for the provision of consulting services to coordinate and promote the Skating School program at the Playland Ice Casino for the term August 1, 2012 through July 31, 2015 at a total not to exceed amount of \$127,500 for the three year period.

Authority is hereby requested for the County of Westchester to enter into an agreement with ICING ON THE CAKE PRODUCTIONS, INC., 16 Friendly Way, Hopewell Junction, New York 12533, for the provision of consulting services to assist the Recreation Supervisor of the Playland Ice Casino with the coordination and promotion of the Skating School program at the Playland Ice Casino for the term August 1, 2012 through July 31, 2015 at a total not to exceed amount of \$127,500 for the three year period, payable monthly pursuant to an approved budget. ICING ON THE CAKE PRODUCTIONS, INC., (the "Consultant"), will be paid for the provision of consulting services as follows: \$40,000 during the period 8/1/12 through 7/31/13, \$42,500 during the period 8/1/13 through 7/31/14 and \$45,000 during the period 8/1/14 through 7/31/15. The County is currently reviewing proposals in response to the Request For Proposals for Playland Park which may include the Ice Casino. In this agreement the County will have the option to terminate the agreement within ten (10) days if it becomes necessary as a result of a new agreement for the operation of Playland Park.

The services to be provided by the consultant will include promotion of existing figure skating and ice hockey skating school programs offered at the Playland Ice Casino, as well as new programs and competitions, assistance with overseeing the Learn to Skate, Freestyle and Hockey Clinics as well as make recommendations regarding the interviewing and evaluating of Skating School instructional staff, as needed. An additional focus of the consultant's duties will be to increase enrollment in Playland's Skating School programs.

Although this agreement has been exempt from procurement in the past pursuant to Section 3(a)xxi, a Request for Proposals was issued via a classified listing on the Ice Skating Institute website. Three proposals were received. Since her proposal submission Rose Malara, currently providing consultant services at the Ice Casino, has started the domestic business corporation known as ICING ON THE CAKE PRODUCTIONS, INC. Ms. Malara's proposal made the most sense for the County financially. That along with her proven track record makes her the

most desirable candidate for the position. Over the past three years Ms. Malara's dedication and effort to our program has increased our skating school enrollment by several hundred students.

The goal and objective of this contract is to provide needed assistance in coordinating the Playland Ice Casino Skating School and providing these services to the public as well as increasing enrollment in Skating School programs through recruitment efforts which will increase revenue to the County. Department of Parks, Recreation and Conservation personnel will track and monitor the progress of this consultant through daily review of progress and functions.

I believe it is in the best interest of the County to enter into the above-described agreement. Accordingly, I recommend that your Honorable Board approve the attached Resolution.

APPROVED BOARD OF ACQUISITION & CONTRACT - 07/26/2022, HONORARY MEMBER, 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 enter into an agreement with ICING ON THE CAKE PRODUCTIONS, INC., 16 Friendly Way, Hopewell Junction, New York 12533 (the "Consultant"), for consulting services to coordinate and promote the Skating School Program at the Playland Ice Casino for the term August 1, 2012 through July 31, 2015 at a total not to exceed amount of \$127,500 for the three year period, payable monthly pursuant to an approved budget; and be it further

RESOLVED, that this Agreement is subject to County appropriations; and be it further

RESOLVED, that this Agreement is also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Contractor, then the Contractor shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further

RESOLVED, that the County, upon ten (10) days notice to the Consultant, may terminate this Agreement in whole or in part when the County deems it to be in its best interest. In such event, the Consultant shall be compensated and the County shall be liable only for payment for services already rendered under this Agreement prior to the effective date of termination at the rate set forth in the agreement; and be it further

RESOLVED, that the County Executive or his authorized designee is empowered to execute any and all appropriate instruments necessary to effectuate the purposes hereof.

Original Agreement \$127,500
 First Amendment \$
This Amendment \$
 TOTAL \$127,500

Account to be
 Charged/Credited

| Fund | Dept | Major Program, Program & Phase Or Unit | Object/ Sub- Object | Trust Account | Dollars | |
|------|------|--|------------------------|------------------|----------|------|
| 165 | 42 | 5540 | 4380 | | \$16,667 | 2012 |
| 165 | 42 | 5540 | 4380 | | \$41,043 | 2013 |
| 165 | 42 | 5540 | 4380 | | \$43,540 | 2014 |
| 165 | 42 | 5540 | 4380 | | \$26,250 | 2015 |

Budget Funding Year(s) 2012-2015 Start Date 8/1/12 End Date 7/31/15
 (must match resolution)

Funding Source Tax Dollars \$127,500

State Aid _____

\$127,500 Federal Aid _____

(must match resolution)

Other _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 07/26/2012 - JOHANNY VIEIRA, SECRETARY