

33728

May 8, 2013

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. for the use of a portion of the Bathhouse Building at Tibbetts Brook Park in Yonkers, New York for the operation of the catering concession for the period June 1, 2013 through May 31, 2018, 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

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., ("Homestyle"), 1 Wasylenko Lane, Yonkers, New York for the operation of the catering concession at Tibbetts Brook Park, Yonkers, New York for the period June 1, 2013 through May 31, 2018, 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 catering concession, Homestyle shall pay to the County an annual license fee consisting of a percentage of gross sales, less sales tax, during each year of the license agreement. The license fees are as follows:

<u>Period</u>	<u>License Fee</u>
June 1, 2013 to May 31, 2014	11%
June 1, 2014 to May 31, 2015	12%
June 1, 2015 to May 31, 2016	13%
June 1, 2016 to May 31, 2017	14%
June 1, 2017 to May 31, 2018	15%

In addition to the above license fees, Homestyle shall, at its sole cost and expense, furnish and install a bar on the second floor of the Bathhouse Building at Tibbetts at an estimated cost of \$20,000. Homestyle shall also purchase all tables, chairs, refrigerator, electric oven and food holder for the approximate cost of \$25,000 which shall remain property of Homestyle.

Although licenses are exempt from the County's Procurement Policy pursuant to Section 3(b) therein, a Request for Proposals was prepared and distributed to more than sixty potential proposers. 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, no proposals were received. The County subsequently met with two current concession operators in the vicinity of Tibbetts: Costa Foods, which operates the food and refreshment concession at Tibbetts Brook Park and Homestyle at Dunwoodie which operates the food, refreshment and catering concession at Dunwoodie Golf Course. Subsequently, only Homestyle expressed an interest in investing in the purchase of equipment and developing the space for use as a catering facility.

The goal of this agreement is to provide revenue for the County and catering services for park 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 - 06/06/2019 - DOMINIC VIENNA, SECRETARY

## RESOLUTION

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

**RESOLVED**, that the County is authorized to enter into a license agreement with Homestyle at Dunwoodie Inc., 1 Wasylenko Lane, Yonkers, New York for the operation of the catering concession at the Bathhouse at Tibbetts Brook Park, Yonkers, New York for the period June 1, 2013 through May 31, 2018, 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 and refreshment concession, Homestyle shall pay to the County an annual license fee consisting of a percentage of gross sales, less sales tax, during each year of the license agreement as follows:

<u>Period</u>	<u>License Fee</u>
June 1, 2013 to May 31, 2014	11%
June 1, 2014 to May 31, 2015	12%
June 1, 2015 to May 31, 2016	13%
June 1, 2016 to May 31, 2017	14%
June 1, 2017 to May 31, 2018	15% ; and be if further

**RESOLVED**, that Homestyle shall furnish and install a bar at a total estimated cost of \$20,000 no later than December 31, 2013; and be it further

**RESOLVED**, that Homestyle shall purchase all tables and chairs, a refrigerator, electric oven and food holder at a total estimated cost of \$25,000 no later than December 31, 2013; and be it further

**RESOLVED**, that the tables and chairs, refrigerator, electric oven and food holder purchased by Homestyle shall revert to the County at the end of the first term of the agreement; 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	4250	9246		\$ 6,417*	2013
165	42	4250	9246		\$11,583*	2014
165	42	4250	9246		\$12,581*	2015
165	42	4250	9246		\$13,584*	2016
165	42	4250	9246		\$14,585*	2017
165	42	4250	9246		\$ 6,250*	2018

Budget Funding Year(s) 2013-2017 Start Date 6-01-13 End Date 5-31-18  
(must match resolution)

Funding Source Tax Dollars \_\_\_\_\_

State Aid \_\_\_\_\_

\$ 65,000\* Federal Aid \_\_\_\_\_

(must match resolution)

Other Revenue \_\_\_\_\_

\*estimated