

**37703**

January 21, 2014

TO: Board of Acquisition and Contract

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

RE: AUTHORITY TO EXERCISE AN OPTION TO RENEW AN AGREEMENT WITH BRUCE ROBBINS, 6 WEBSTER AVENUE, APT. F4, NEW ROCHELLE, NEW YORK 10801 TO PROVIDE SOUND ENGINEERING SERVICES FOR PLAYLAND, THE WESTCHESTER COUNTY CENTER AND WESTCHESTER COUNTY PARKS, RECREATION AND CONSERVATION (PRC) FACILITIES FOR AN AMOUNT NOT TO EXCEED \$150,000 FOR A TERM COMMENCING JANUARY 1, 2014 AND TERMINATING DECEMBER 31, 2018

Authority is requested of this Board to exercise an option to renew an agreement with Bruce Robbins, 6 Webster Avenue, Apt. F4, New Rochelle, New York 10801 to provide sound engineering services for Playland, the Westchester County Center and Westchester County Parks, Recreation and Conservation ("PRC") facilities for the term commencing January 1, 2014 and terminating December 31, 2018.

On February 12, 2009, your Honorable Board approved a resolution to enter into an agreement with Bruce Robbins, 6 Webster Avenue, Apt. F4, New Rochelle, New York 10801 to provide sound engineering services for Playland, the Westchester County Center and Westchester County Parks, Recreation and Conservation ("PRC") facilities for an amount not to exceed \$150,000 for the term commencing March 1, 2009 and terminating December 31, 2013 with the option to renew the agreement for an additional five years commencing January 1, 2014 and terminating December 31, 2018. Authority is now requested to renew for the additional five year term.

Bruce Robbins will be compensated based on the specific sound engineering services provided to Playland, the Westchester County Center and the Westchester County PRC facilities. The sound engineering services and rates are as follows:

1. Set up Playland's sound equipment pre-season and breakdown post-season – \$275/day.

2. Sound engineering for local band performances on Playland's Music Tower Stage including set up and breakdown of necessary equipment - \$275/day with a \$125 cancellation fee if a band performance is cancelled.
3. Training and demonstrating Playland's sound equipment to sound technicians provided by the entertainment production company hired by Playland for musical revue shows - \$275/day with a \$125 cancellation fee if the scheduled training date is changed.
4. Maintain and make minor repairs and/or diagnose problems and make repair recommendations to Playland's sound system - \$35/hour.
5. Sound engineering and stage manager services for Playland's concert series, promotional concerts, shows and concerts for the Westchester County Center and PRC facilities which includes coordinating logistical set up and breakdown of equipment (sound, backline and lights) with outside production companies contracted for the shows and concerts-\$350/day with a \$125 cancellation fee if a concert is cancelled.
6. Consulting and logistical services for various concerts, shows and promotional events at Playland, the Westchester County Center and PRC facilities which may include, but would not be limited to, contacting the artists and/or their representatives regarding the technical, equipment and back-line riders as it relates to their shows as well as providing for back-line and sound riders, as required. Coordination with a contracted production company may also be necessary - \$35/hour plus required payments for back-line and sound.

Playland's portion of this agreement will not exceed \$15,000 per year in each year, the Westchester County Center's portion of this agreement will not exceed \$10,000 per year in each year and PRC's portion of this agreement will not exceed \$5,000 per year in each year, for an amount not to exceed \$30,000 annually. The total shall not exceed \$150,000 for the five year term of this agreement.

On April 18, 2013, the Westchester County Board of Acquisition & Contract awarded a contract to Sustainable Playland Inc. ("SPI") to manage, operate, repair, maintain, make improvements to and have financial responsibility for all costs and liabilities for all of Playland Park. SPI will take over management of Playland Park upon the Board of Legislators approval of the Playland Improvement Plan. It is anticipated that SPI will take control of day to day operations, including that of sound engineering during the term of this proposed contract. The Agreement will therefore provide that PRC shall have the right to terminate the portion of the Agreement related to Playland Park, upon thirty (30) days prior written notice, in the event that the day-to-day operations of Playland are transferred to SPI.

The goal of this agreement is to allow the County to provide quality sound during concerts and shows at County facilities. This agreement promotes fiscal responsibility as

the County will benefit through the additional revenue generated through the events related to this agreement.

The objectives of this agreement will be monitored through site visits from Parks, Recreation and Conservation staff members.

A resolution is attached for your favorable consideration.

APPROVED BOARD OF ACQUISITION & CONTRACT - 03/06/2014 - JOMARY VIEIRA SECRETARY

## RESOLUTION

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

**RESOLVED**, that the County of Westchester is hereby authorized to exercise an option to renew an agreement with Bruce Robbins, 6 Webster Avenue, Apt. F4, New Rochelle, New York 10801, for sound engineering services for Playland, the Westchester County Center and Westchester County Parks, Recreation and Conservation ("PRC") facilities for a term commencing January 1, 2014 and terminating December 31, 2018; and be it further

**RESOLVED**, that the County of Westchester will pay Bruce Robbins an amount not to exceed \$30,000 per year for a total contract amount not to exceed \$150,000 for the five year term of the agreement based upon the following rates:

1. Set up Playland's sound equipment pre-season and breakdown post-season – \$275/day.
2. Sound engineering for local band performances on Playland's Music Tower Stage including set up and breakdown of necessary equipment - \$275/day with a \$125 cancellation fee if a band performance is cancelled.
3. Training and demonstrating Playland's sound equipment to sound technicians provided by the entertainment production company hired by Playland for musical revue shows - \$275/day with a \$125 cancellation fee if the scheduled training date is changed.
4. Maintain and make minor repairs and/or diagnose problems and make repair recommendations to Playland's sound system - \$35/hour.
5. Sound engineering and stage manager services for Playland's concert series, promotional concerts, shows and concerts for the Westchester County Center and PRC facilities which includes coordinating logistical set up and breakdown of equipment (sound, backline and lights) with outside production companies contracted for the shows and concerts-\$350/day with a \$125 cancellation fee if a concert is cancelled.
6. Consulting and logistical services for various concerts, shows and promotional events at Playland, the Westchester County Center and PRC facilities which may include, but would not be limited to, contacting the artists and/or their representatives regarding the technical, equipment and backline riders as it relates to their shows as well as providing for back-line and sound riders, as required. Coordination with a contracted production company may also be necessary - \$35/hour plus required payments for back-line and sound; and be it further

**RESOLVED**, that the not to exceed amount of this contract shall now be increased by \$150,000 for a total contract amount not to exceed \$300,000; and be it further

**RESOLVED**, that the Agreement shall provide the County with the right to terminate the portion of the Agreement related to Playland Park, which amounts to \$15,000 per year, upon thirty (30) days prior written notice, in the event that day-to-day operations of Playland are transferred to a private operator; and be it further

**RESOLVED**, that this contract is subject to County Appropriations and 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 contract. 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 the State Budget or any amendments thereto, and for a reasonable period of time after such release(s) 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 contract 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 Executive or his authorized designee is hereby empowered to execute any and all instruments necessary to effectuate the purposes thereof.

APPROVED BOARD OF ACQUISITION & CONTRACTS, COUNTY OF ALBANY, NEW YORK  
APPROVED BY: JAMES J. VIEIRA, SECRETARY

Original Agreement      \$150,000  
 First Amendment        \$  
**This Amendment**      **\$150,000**  
 TOTAL                      \$300,000

Agreement #

Account to be  
 Charged/Credited

Fund	Dept	Major Program, Program & Phase  Or Unit	Object/ Sub-Object	Trust Account	Dollars	
165	42	5520	4620		\$15,000	2014
165	42	7150	4380		\$10,000	2014
165	42	1100	4380		\$5,000	2014
165	42	5520	4620		\$15,000	2015
165	42	7150	4380		\$10,000	2015
165	42	1100	4380		\$5,000	2015
165	42	5520	4620		\$15,000	2016
165	42	7150	4380		\$10,000	2016
165	42	1100	4380		\$5,000	2016
165	42	5520	4620		\$15,000	2017
165	42	7150	4380		\$10,000	2017
165	42	1100	4380		\$5,000	2017
165	42	5520	4620		\$15,000	2018
165	42	7150	4380		\$10,000	2018
165	42	1100	4380		\$5,000	2018

Budget Funding Year(s) **2014-2018**      Start Date **1/1/2014**      End Date **12/31/2018**  
 (must match resolution)

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

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

**\$150,000**                                  Federal Aid \_\_\_\_\_

(must match resolution)                      Other \_\_\_\_\_

APPROVED BOARD OF ACQUISITION CONTRACT - 03/06/2014 - JOMARY VIEIRA, SECRETARY