

41645

DATE: August 4, 2014

TO: Board of Acquisition and Contract

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

RE: Authority to enter into an agreement with Biederman Redevelopment Ventures Corp. to provide consulting services to the County in connection with Playland Park for the period July 1, 2014 through November 30, 2014, for an amount not-to-exceed 100,000.00

Authority is hereby requested for the County of Westchester (the "County") to enter into an agreement with Biederman Redevelopment Ventures Corp. ("BRV") for the provision of an "on the ground" review of Playland Amusement Park, including: examination of the operations; options for future programming; opportunities for management of Playland Park and its facilities; and identifying ways to improve revenue generation, cost control and visitor experience. BRV will meet with the County, at mutually agreeable times, to report on the status of the work with meetings on or before by August 22nd, September 22nd, October 15th and November 7th. Additional meetings may be scheduled as necessary. On or before November 30th, BRV shall provide the County with a memorandum summarizing BRV's activities, making recommendations in each of the areas set forth above, and identifying next steps the County may take to implement those recommendations.

The proposed agreement shall be for a five (5) month term commencing retroactive to July 1, 2014 and continuing through November 30, 2014, for an amount not-to-exceed \$100,000.00. Payments will be as follows: \$20,000 upon contract execution, and \$20,000 on or before the 1st day of each of the next four (4) months. The County shall have the option to renew the agreement for an additional five (5) month term, on notice to BRV, at least thirty (30) days before the end of the contract term, on terms and conditions to be negotiated by the parties, for an additional amount not-to-exceed \$100,000.00.

It is in the County's best interests to obtain the services of BRV as they have extensive, invaluable experience with publicly owned parks having been instrumental, for example, in connection with the successful revitalization of Bryant Park in New York City, Military Park in Newark, New Jersey, the design and programming of Klyde Warren Park in Dallas, Texas, the revitalization and management of the Canalside Park on the waterfront in Buffalo, New York and other public/private park partnership reviews and turnarounds. This unique experience makes BRV particularly well-qualified to provide the County with the proposed services, and thereby help obtain the necessary knowledge to identify the next steps the County can take toward improving the financial performance at Playland Park in the future. BRV has done extensive background work in connection with issues facing

Playland as a consultant to the not-for-profit Sustainable Playland, Inc and therefore has important and invaluable knowledge about the County. This prior experience and the knowledge gained during that consultancy, makes BRV a unique resource with an already established base of knowledge and familiarity with the issues to be examined.

A separate resolution of even date herewith has been submitted to your Honorable Board seeking authority to exempt this Agreement from the requirements of the Westchester County Procurement Policy pursuant to Section 3(a)(xxi) thereof as it is in the best interests of the County.

I respectfully recommend the adoption of the attached Resolution.

KMO/tsa

APPROVED BOARD OF ACQUISITION & CONTRACT - 08/21/2014 - JOMARY VERA, SECRETARY

RESOLUTION

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

RESOLVED, that the County of Westchester (the "County") is hereby authorized to enter into an agreement with Biederman Redevelopment Ventures Corp. ("BRV") for the provision of an "on the ground" review of Playland Amusement Park, including: examination of the operations; options for future programming; opportunities for management of Playland Park and its facilities; and identifying ways to improve revenue generation, cost control and visitor experience. BRV will meet with the County, at mutually agreeable times, to report on the status of the work with meetings on or before by August 22nd, September 22nd, October 15th and November 7th. Additional meetings may be scheduled as necessary. On or before November 30th, BRV shall provide the County with a memorandum summarizing BRV's activities, making recommendations in each of the areas set forth above, and identifying next steps the County may take to implement those recommendations; and be it further

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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 Consultant, then the Consultant shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized and empowered to execute any and all documents necessary or appropriate to effectuate the purpose hereof.

Account to be
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
165	42	5520	4380		\$100,000

Budget Funding Year(s) 2014 Start Date 07/01/14 End Date 11/30/14
(must match resolution)

Funding Source

Tax Dollars X

State Aid _____

\$100,000
(must match resolution)

Federal Aid _____

Other _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 08/21/2014 - JOMARY VIEIRA, SECRETARY