

**44664**

January 30, 2015

TO: Board of Acquisition and Contract

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

RE: AUTHORITY TO EXERCISE AN OPTION TO RENEW A LICENSE AGREEMENT WITH RWS AND ASSOCIATES ENTERTAINMENT, INC., 1560 BROADWAY, SUITE 712, NEW YORK, NY 10036 TO PROVIDE AN ENTERTAINMENT PACKAGE FOR PLAYLAND FOR A TERM COMMENCING MAY 1, 2015 AND TERMINATING SEPTEMBER 2, 2019.

Authority is requested of this Board for the County of Westchester to exercise an option to renew a license agreement with RWS and Associates Entertainment, Inc. ("RWS"), 1560 Broadway, Suite 712, New York, NY 10036 to provide an entertainment package consisting of musical revues, DJ, strolling entertainment, performers for costumed characters or other mutually agreed upon entertainment for a term commencing May 1, 2015 and terminating September 2, 2019.

On March 4, 2010, this Honorable Board for the County of Westchester approved a resolution to enter into an agreement with American Entertainment Productions, Inc. ("American Entertainment"), 1846 Hightower Drive, Columbus, Ohio 43235 to provide an entertainment package consisting of musical revues, DJ, strolling entertainment, strolling band, performers for costumed characters or other mutually agreed upon entertainment for a term commencing May 1, 2010 and terminating September 1, 2014, with the sole option of the County to extend the agreement for an additional period of five years.

On December 22, 2010, this Honorable Board for the County of Westchester approved a resolution to enter into an assumption agreement, effective January 1, 2011, with RWS and Associates Entertainment, Inc., 1560 Broadway, Suite 712, New York, NY 10036 of an Agreement between the County and American Entertainment Productions, Inc. dated April 20, 2010 to provide an entertainment package at Playland Park from May 1, 2010 through September 1, 2014 ("Contract PRC-689"). All other terms and conditions of Contract PRC-689 were to remain in full force and effect.

Authority is now requested to renew for the additional five year term.

Upon approval of this agreement by this Board, RWS will be paid by the County of Westchester as follows:

<u>Year</u>	<u>Amount</u>
2015	\$114,500
2016	\$120,225
2017	\$126,250
2018	\$132,500
2019	\$139,125

The total amount paid to RWS will not exceed \$632,600 for the term of the agreement. Yearly payments are to be made in four equal installments on the first of May, the first of July, the first of August and four days past the final day of entertainment shows in each year of the agreement.

The not to exceed amount of the proposed agreement saves the County \$117,350, which is the reduction from the original not to exceed amount of the extension term contained in Contract PRC-689. The revised contract amount was negotiated through a reduction in the total number of performances and in the number of performers.

It is anticipated that a private operator may take control of day to day operations, including that of entertainment, during the term of this proposed contract. The Agreement will therefore provide that the County shall have the right to terminate the Agreement, upon thirty (30) days prior written notice, in the event that the day-to-day operations of Playland are transferred to a private operator.

The goal of this agreement is to allow the County to provide entertainment for patrons at Playland. The County strongly believes that this entertainment package will play a roll in drawing additional patrons to Playland. This agreement promotes fiscal responsibility as the additional revenue generated will far exceed the cost of this agreement.

The objective of this agreement will be monitored through site inspections and the review of financial reports.

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 exercise an option to renew a license agreement with RWS and Associates Entertainment, Inc. ("RWS"), 1560 Broadway, Suite 712, New York, NY 10036 to provide an entertainment package consisting of musical revues, DJ, strolling entertainment, performers for costumed characters or other mutually agreed upon entertainment for a term commencing May 1, 2015 and terminating September 2, 2019; and be it further

**RESOLVED**, that for this entertainment package, the County of Westchester will pay RWS as follows:

<u>Year</u>	<u>Amount</u>
2015	\$114,500
2016	\$120,225
2017	\$126,250
2018	\$132,500
2019	\$139,125; and be it further

**RESOLVED**, that the total amount paid to RWS will not exceed \$632,600 for the term of the agreement; and be it further

**RESOLVED**, that the Agreement shall provide the County with the right to terminate the Agreement, 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 and take such other actions as may reasonably be necessary to effectuate the purposes thereof.

Original Agreement      \$ 650,550  
 First Amendment        \$  
 This Amendment        \$ 632,600  
 TOTAL                      \$ 1,283,150

Agreement # PRC-689B

Account to be  
 Charged/Credited

Fund	Dept	Major Program, Program & Phase  Or Unit	Object/ Sub-Object	Trust Account	Dollars	
165	42	5520	4620		\$114,500	2015
165	42	5520	4620		\$120,225	2016
165	42	5520	4620		\$126,250	2017
165	42	5520	4620		\$132,500	2018
165	42	5520	4620		\$139,125	2019

Budget Funding Year(s) 2015-2019    Start Date 5/1/2015    End Date 9/2/2019  
 (must match resolution)

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

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

\$632,600              Federal Aid \_\_\_\_\_  
 (must match resolution)

Other \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT - 03/05/2015 - JOMARY VIEIRA, SECRETARY