

45252

March 9, 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 AN AGREEMENT WITH
PYRO ENGINEERING INC. D/B/A BAY FIREWORKS, 999 SOUTH OYSTER BAY
ROAD, SUITE 111, BETHPAGE, NY 11714 TO PROVIDE ELECTRONICALLY
FIRED FIREWORKS DISPLAYS AT PLAYLAND FOR A TERM COMMENCING
JULY 1, 2015 AND TERMINATING AUGUST 30, 2019

Authority is requested of this Board for the County of Westchester to exercise an option to renew an agreement with Pyro Engineering, Inc. D/B/A Bay Fireworks ("Bay Fireworks"), 999 South Oyster Bay Road, Suite 111, Bethpage, NY 11714 to provide electronically fired fireworks displays at Playland for a term commencing July 1, 2015 and terminating August 30, 2019.

On March 4, 2010, your Honorable Board approved a resolution to enter into an agreement with Pyro Engineering, Inc. D/B/A Bay Fireworks ("Bay Fireworks"), 999 South Oyster Bay Road, Suite 111, Bethpage, NY 11714 to provide electronically fired fireworks displays at Playland for a term commencing July 2, 2010 and terminating August 29, 2014 with the sole option of the County to extend the agreement for an additional period of five years commencing July 1, 2015 and terminating August 30, 2019. Authority is now requested to renew for the additional five year term.

Bay Fireworks will provide a maximum of twelve (12) regular shows at a cost of \$7,250 each and two (2) holiday shows at a cost of \$10,000 each in each year. For this service Bay Fireworks will be paid by the County of Westchester a fee not to exceed \$107,000 for each year of the agreement, for a total amount not to exceed \$535,000 for the five year term of the agreement. As a result of a combination of the reduction in the number of the proposed fireworks displays and an increase in the size of the displays, the proposed agreement represents a savings of \$12,000 per year and \$60,000 over the term of the agreement.

It is anticipated that a private operator may take control of day to day operations of Playland Park, including the provision of fireworks, 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 fireworks displays for patrons at Playland. The County strongly believes that these displays play a role 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.

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/02/2015 - JOMARY NEIRA, 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 authorized to exercise an option to renew an agreement with Pyro Engineering, Inc. D/B/A Bay Fireworks ("Bay Fireworks"), 999 South Oyster Bay Road, Suite 111, Bethpage, NY 11714 to provide electronically fired fireworks displays at Playland for a term commencing July 1, 2015 and terminating August 30, 2019; and be it further

RESOLVED, that Bay Fireworks will provide a maximum of twelve (12) regular shows at a cost of \$7,250 each and two (2) holiday shows at a cost of \$10,000 each in each year of the agreement; and be it further

RESOLVED, the County of Westchester will pay Bay Fireworks a fee not to exceed \$107,000 for each year of the agreement, for a total amount not to exceed \$535,000 for the five year period 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 \$ 568,750
 First Amendment \$
This Amendment \$ 535,000
 TOTAL \$1,103,750

Agreement # PRC-688A

Account to be
 Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars	
165	42	5520	4620		\$107,000	2015
165	42	5520	4620		\$107,000	2016
165	42	5520	4620		\$107,000	2017
165	42	5520	4620		\$107,000	2018
165	42	5520	4620		\$107,000	2019

Budget Funding Year(s) 2015-2019 Start Date 7/1/2015 End Date 8/30/19
 (must match resolution)

Funding Source Tax Dollars _____ X _____
 State Aid _____
 Federal Aid _____
 Other _____

\$535,000
 (must match resolution)

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/02/2015 - JOMARY VIEIRA, SECRETARY