

ID53028

October 25, 2016

To: The Honorable Board of Acquisition and Contract

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

Re: Authority to exercise the option to extend the license agreement with Beyond Pacific, LLC for the use of two (2) baseball fields and a pavilion at V.E. Macy Park for the purpose of operating a youth baseball program for the period of January 1, 2017 through December 31, 2021.

On April 26, 2012, the Board of Acquisition and Contract approved a resolution granting authority for the County of Westchester to enter into a revocable license agreement with Beyond Pacific, LLC ("Beyond Pacific") for use of two (2) baseball fields and a pavilion at V.E. Macy Park for the purpose of operating a baseball program for children consisting of a Summer Camp, Fall Baseball League and Spring and Fall Tournaments, for the period of April 19, 2012 through December 31, 2016, 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 now requested to exercise the option to extend the License Agreement with Beyond Pacific, LLC for use of two (2) baseball fields and a pavilion at V.E. Macy Park for the purpose of operating a youth baseball program for the period of January 1, 2017 through December 31, 2021. The program will consist of a Summer Camp, Spring, Summer and Fall Tournaments, Showcases and Clinics.

In addition to granting a License for use of designated portions of V.E. Macy Park, the County will provide Beyond Pacific with marketing assistance for the Summer Camp and Department staff to collect Summer Camp fees and provide field maintenance.

In consideration of the granting of the License, and for the additional services described above, Beyond Pacific will pay the County the following annual license fees:

- 36% of all gross revenue generated from Summer Camp in 2017;
- 37% of all gross revenue generated from Summer Camp in 2018;
- 38% of all gross revenue generated from Summer Camp in 2019;
- 39% of all gross revenue generated from Summer Camp in 2020;
- 40% of all gross revenue generated from Summer Camp in 2021;

20% of all gross revenue generated from Tournaments, Showcases and Clinics in each year of the agreement.

The objective of this Agreement is to increase opportunities for Westchester residents to experience baseball, complimenting the County's goal of a more active and healthier Westchester County under the "Be Fit" Westchester umbrella. Additionally, it will promote our facility and increase revenue to the County. Department of Parks, Recreation and Conservation personnel will track and monitor the program through frequent site visits.

The proposed Agreement is exempt from the Westchester County Procurement Policy pursuant to Section 3(b) thereof.

As this is a revenue-producing contract for the County, I respectfully request the approval of the annexed resolution.

APPROVED BOARD OF ACQUISITION & CONTRACT - 11/17/2016 LISI M. BISHOP SECRETARY

RESOLUTION

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

RESOLVED, that the County of Westchester, acting by and through the Department of Parks, Recreation & Conservation (the "Department"), is hereby authorized to exercise its option to extend the license agreement with Beyond Pacific, LLC, 23 Fuller Avenue, Ardsley, New York 10502 ("Beyond Pacific"), pursuant to which the County will grant Beyond Pacific a revocable License for use of two (2) baseball fields and a pavilion at V.E. Macy Park for the purpose of operating a youth baseball program consisting of a Summer Camp, Spring, Summer and Fall Tournaments, Showcases and Clinics for the period of January 1, 2017 through December 31, 2021; and be it further

RESOLVED, that the County will provide Beyond Pacific with marketing assistance for the Summer Camp and Department staff to collect Summer Camp fees and provide field maintenance; and be it further

RESOLVED, that for this license privilege, Beyond Pacific will pay the County of Westchester the following annual License Fees:

- 36% of all gross revenue generated from Summer Camp in 2017;
- 37% of all gross revenue generated from Summer Camp in 2018;
- 38% of all gross revenue generated from Summer Camp in 2019;
- 39% of all gross revenue generated from Summer Camp in 2020;
- 40% of all gross revenue generated from Summer Camp in 2021;
- 20% of all gross revenue generated from Tournaments, Showcases and Clinics in each year of the agreement; 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 be reasonably necessary to effectuate the purposes hereof.

Original Agreement \$73,920.40 *
 First Amendment \$
This Amendment \$
 TOTAL \$73,920.40 *

Account to be
 Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars	
263	42	777S	9856	T777	\$12,640.00 *	2017
263	42	777T	9856	T777	\$13,650.00 *	2018
263	42	777U	9856	T777	\$14,720.00 *	2019
263	42	777V	9856	T777	\$15,854.00 *	2020
263	42	777W	9856	T777	\$17,056.40 *	2021

Budget Funding Year(s) 2017-2021 Start Date 1/1/17 End Date 12/31/2021
 (must match resolution)

Funding Source Tax Dollars _____
 State Aid _____
\$73,920.40 * Federal Aid _____
 (must match resolution) Other _____ Revenue _____

*Estimated

APPROVED BOARD OF ACQUISITION & CONTRACTS 11/17/2016 USA MRIJAJ, SECRETARY