

Department of Parks, Recreation
& Conservation

ID 59930

November 27, 2017

TO: Board of Acquisition and Contract

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

RE: Authority to assign the existing agreement with Costa Foods, Inc., 11 Lincoln Avenue, Rye Brook, New York 10573 for the food and refreshment concession at Tibbetts Brook Park, to Immaculate Concessions Inc, 175 Hyatt Avenue, Yonkers, New York 10704 effective January 1, 2018.

On June 17, 2010, the Board of Acquisition and Contract granted authority to enter into a license agreement with Frank Costa, 11 Lincoln Avenue, Rye Brook, New York 10573 for the food and refreshment concession at Tibbetts Brook Park, Yonkers, New York for the period of June 18, 2010 through December 31, 2014, with the sole option of the County to extend the agreement for a period of five years for a license fee to be negotiated.

On February 19, 2015, the Board of Acquisition and Contract granted authority to exercise the option to extend the license agreement with Frank Costa for the period of January 1, 2015 through December 31, 2019 and the License Agreement with Frank Costa was assigned to Costa Foods, Inc., 11 Lincoln Avenue, Rye Brook, New York 10573, which was effective January 1, 2015.

Authority is now requested to assign the current License Agreement with Costa Foods, Inc., for the food and refreshment concession at Tibbetts Brook Park to Immaculate Concessions Inc, 75 Hyatt Avenue, Yonkers, New York to become effective on January 1, 2018.

Anthony Costa has managed the operation of the food and refreshment concession at Tibbetts Brook Park for Costa Foods, Inc. and has formed a new corporation, Immaculate Concessions, Inc. As a result of this assignment, there should be no changes in the service or operation of the concession. All other terms and conditions of the agreement shall remain the same.

The public purpose of this agreement is to provide food and refreshments for patrons at Tibbetts Brook Park. The goal of this agreement is to provide revenue to the County and provide an important amenity in support of the pool facility.

The objective of this agreement will be tracked and monitored by observations and interactions with staff and site visits.

This agreement is exempt from the Westchester County procurement policy pursuant to Section 3(b), thereof.

Accordingly, approval of the attached resolution by your Honorable Board is most respectfully requested.

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/21/2017 - LISA MRIJAJ, 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 hereby authorized to assign the existing license agreement with Costa Foods, Inc. for the food and refreshment concession at Tibbetts Brook Park to Immaculate Concessions Inc, 75 Hyatt Avenue, Yonkers, New York, to commence on January 1, 2018; and be it further

RESOLVED, that all other terms and conditions shall remain the same; and be it further

RESOLVED, that the County Executive or his authorized designee is hereby authorized to execute all instruments necessary to implement this Resolution.

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/21/2017 - LISA M. JAMES, SECRETARY

Original Agreement \$
 First Amendment \$
This Amendment \$ _____
 TOTAL \$

Agreement #

Account to be
 Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars

Budget Funding Year(s) _____ Start Date 01-01-18 End Date 12-31-19
 (must match resolution)

Funding Source Tax Dollars _____
 State Aid _____
 \$ _____ Federal Aid _____
 (must match resolution) Other _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/21/2017 - USA MARIJAJ, SECRETARY