

62046

April 3, 2018

TO: Board of Acquisition and Contract

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

RE: Authority to enter into a license agreement with CulinArt, Inc., 175 Sunnyside Boulevard, Plainview, NY 11803, for the food, beverage, vending and catering concession at Playland Park, Rye, NY for the period May 5, 2018 through September 30, 2019.

Authority is requested of this Board for the County of Westchester (the "County"), acting through its Department of Parks Recreation and Conservation (the "Department"), to enter into a license agreement with CulinArt, Inc. ("CulinArt"), 175 Sunnyside Boulevard, Plainview, NY 11803, for the food, beverage, vending and catering concession at Playland Park, Rye, NY ("Playland") for the period of May 5, 2018 through September 30, 2019 to cover the 2018 and 2019 operating seasons, which run May through September of each year respectively.

As consideration for this license privilege, CulinArt will pay the County a percentage of gross receipts per operating season for concession, catering and vending sales at Playland as follows:

| <u>Percentage Fee for up to \$3,000,000 In Gross Sales per operating season</u> | <u>Percentage Fee for over \$3,000,000 In Gross Sales per operating season</u> |
|---|--|
| 18% | 24.1% |

CulinArt will also offer a 10% discount for food service for catered affairs sponsored by any agency of the County. CulinArt shall also provide in each operating season, \$15,000 in food and related services to the Department and provide marketing and promotions valued at \$40,000 per operating season at Playland. CulinArt will also pay the County \$3,000 each operating season to cover the cost of training CulinArt's employees.

The ultimate goal of this agreement will be for the public good as it will allow the County to continue to provide quality food, refreshment, vending and catering options for patrons at Playland which should have a positive impact on the overall business and operation of Playland. The County will also benefit through revenue generated by the concession operation. The objective of this agreement will be tracked and monitored by observations and interactions with staff and site visits.

The Westchester County Procurement Policy does not apply to concessions pursuant to Section 3(b) thereof, and, therefore, does not apply to this license agreement.

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

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/26/2018 - LISA MRIJAJ, SECRETARY

RESOLUTION

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

RESOLVED, that the County of Westchester (the "County"), acting through its Department of Parks Recreation and Conservation (the "Department"), is authorized to enter into a license agreement with CulinArt, Inc. ("CulinArt"), 175 Sunnyside Boulevard, Plainview, NY 11803, for the food, beverage, vending and catering concession at Playland Park, Rye, NY ("Playland") for the period May 5, 2018 through September 30, 2019 to cover the 2018 and 2019 operating seasons, which run May through September of each year respectively; and be it further

RESOLVED, that for this license privilege, CulinArt will pay the County a percentage of the gross receipts per operating season as follows:

Percentage Fee for up to \$3,000,000
In Gross Sales per operating season

18%

Percentage Fee for over \$3,000,000
In Gross Sales per operating season

24.1%, and be it further

RESOLVED, that during the term of this License, food service for catered affairs sponsored by any agency of the County at Playland will be given a 10% discount; and be it further

RESOLVED, that as an additional license fee, CulinArt shall provide \$15,000 of food and related services to the Department during each operating season of the License; and be it further

RESOLVED, that CulinArt shall provide marketing and promotions valued at \$40,000 during each operating season of the License; and be it further

RESOLVED, that CulinArt shall pay the County \$3,000 each operating season to cover the cost of training CulinArt's employees; 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.

Original Agreement \$ **1,320,000**
 First Amendment \$ _____
This Amendment \$ _____
 TOTAL \$ 1,320,000

Agreement # PRC-1165

Account to be
 Charged/Credited

| Fund | Dept | Major Program, Program & Phase Or Unit | Object/ Sub- Object | Trust Account | Dollars |
|------|------|--|------------------------|------------------|------------|
| 165 | 42 | 5520 | 9205 | | \$660,000* |
| 165 | 42 | 5520 | 9205 | | \$660,000* |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

2018
 2019

*Estimated

Budget Funding Year(s) 2018-2019 Start Date 5-5-18 End Date 9-30-19
 (must match resolution)

Funding Source Tax Dollars _____
 State Aid _____
\$ 1,320,000 Federal Aid _____
 (must match resolution) Other Estimated Revenue _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/26/2018 LISA MARIJAJ, SECRETARY