

Department of Parks, Recreation
& Conservation

65260

September 27, 2018

TO: Board of Acquisition and Contract

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

RE: Authority to terminate the current agreement with Homestyle Dunwoodie, Inc. for the food, refreshment and catering concession at Dunwoodie Golf Course, Yonkers, New York and enter into a new five-year agreement commencing January 1, 2019 and ending December 31, 2023, with a five-year option at the County's option, in order to adjust the license fee schedule to allow the concession operator to amortize the cost of significant capital improvements and to incorporate the use of a portion of the top floor of the administration building at Tibbetts Brook Park for food, refreshment and catered events.

By Resolution dated March 1, 2012, the Board of Acquisition and Contract granted authority for the County of Westchester to enter into a license agreement with Homestyle Dunwoodie, Inc. ("Homestyle"), 1 Wasylenko Lane, Yonkers, New York for the food, refreshment and catering concession at Dunwoodie Golf Course through December 31, 2016 with the sole option of the County to extend the license from January 1, 2017 through December 31, 2021. By Resolution dated June 9, 2016, authority was granted to extend the license for a period of five years through December 31, 2021.

Authority is now requested to terminate the current agreement effective December 31, 2018 and enter into a new five-year contract commencing January 1, 2019 through December 31, 2023 with a five-year option at the County's option.

For the privilege of operating the food, refreshment and catering concession, Homestyle Dunwoodie, Inc. shall pay to the County a license fee consisting of a fixed fee and a percentage of gross sales, less sales tax, in excess of \$750,000 during each year of the agreement. The fixed fee will be:

<u>Period</u>	<u>Fixed Fee</u>
January 1, 2019 through December 31, 2019	\$102,000
January 1, 2020 through December 31, 2020	\$102,000
January 1, 2021 through December 31, 2021	\$107,000
January 1, 2022 through December 31, 2022	\$107,000
January 1, 2023 through December 31, 2023	\$112,000.

In addition to the fixed license fee payments, Homestyle shall pay to the County an additional license fee of 7% of gross sales, less sales tax, in excess of \$750,000.

Included within the scope of this agreement will be the use of a portion of the top floor of the Administration Building at Tibbetts Brook Park for catered events.

In addition to the license fees above, Homestyle Dunwoodie, Inc. shall undertake the capital improvements on the attached schedule with an estimated value of \$146,100 consisting of \$139,100 at Dunwoodie and \$7,000 at Tibbetts Brook Park.

If, at its sole option, the County extends the license for the period of January 1, 2024 through December 31, 2028, for the privilege of operating the food, refreshment and catering concession, Homestyle shall pay to the County a license fee consisting of a fixed fee and a percentage of gross sales, less sales tax, in excess of \$750,000 during each year of the agreement. The fixed fee will be:

<u>Period</u>	<u>Fixed Fee</u>
January 1, 2024 through December 31, 2024	\$130,000
January 1, 2025 through December 31, 2025	\$132,500
January 1, 2026 through December 31, 2026	\$135,000
January 1, 2027 through December 31, 2027	\$137,500
January 1, 2028 through December 31, 2028	\$140,000.

In addition to the fixed license fee payments, Homestyle shall pay to the County an additional license fee consisting of the following percentages of gross sales, less sales tax, in excess of \$750,000:

<u>Period</u>	<u>Percentage Fee</u>
January 1, 2024 through December 31, 2024	7%
January 1, 2025 through December 31, 2025	7%
January 1, 2026 through December 31, 2026	7.5%
January 1, 2027 through December 31, 2027	7.5%
January 1, 2028 through December 31, 2028	8%.

The public purpose of this agreement is to provide food, refreshment and catering services to golfers at Dunwoodie Golf Course and allow for the use of the upper room of the administration building at Tibbetts Brook Park for catered events. The goal of this agreement is to provide revenue to the County and provide important amenities in support of these park facilities.

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.

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 terminate the current agreement with Homestyle Dunwoodie, Inc., effective December 31, 2018, for the food, refreshment and catering concession at Dunwoodie Golf Course, Yonkers, New York and enter into a new five-year agreement with Homestyle Dunwoodie, Inc. commencing January 1, 2019 and ending December 31, 2023; and be it further

RESOLVED, that as consideration for the privilege of operating this License, Homestyle Dunwoodie, Inc. shall pay to the County a license fee consisting of following:

<u>Period</u>	<u>License Fee</u>
January 1, 2019 through December 31, 2019	\$102,000
January 1, 2020 through December 31, 2020	\$102,000
January 1, 2021 through December 31, 2021	\$107,000
January 1, 2022 through December 31, 2022	\$107,000
January 1, 2023 through December 31, 2023	\$112,000; and be it further

RESOLVED, that in addition to the fixed license fee payments, Homestyle Dunwoodie, Inc. shall pay to the County an additional annual license fee of 7% of gross sales, less sales tax, in excess of \$750,000; and be it further

RESOLVED, that the use of a portion of the top floor of the Administration Building at Tibbetts Brook Park for food, refreshment and catered events shall also be included within the scope of this License Agreement; and be it further

RESOLVED, that in addition to the license fees above, Homestyle Dunwoodie, Inc. shall complete the improvements on the attached schedule valued at \$146,100; and be it further

RESOLVED, that the County of Westchester, at its sole option, may extend the License for a period of five years commencing January 1, 2024 through December 31, 2028; and be it further

RESOLVED, that if, at its sole option, the County extends the license for the period of January 1, 2024 through December 31, 2028, for the privilege of operating the food, refreshment and catering concession, Homestyle Dunwoodie Inc. shall pay to the County a license fee consisting of a fixed fee and a percentage of gross sales, less sales tax, in excess of \$750,000 during each year of the agreement as follows:

The fixed license fee shall be:

<u>Period</u>	<u>Fixed Fee</u>
January 1, 2024 through December 31, 2024	\$130,000
January 1, 2025 through December 31, 2025	\$132,500
January 1, 2026 through December 31, 2026	\$135,000
January 1, 2027 through December 31, 2027	\$137,500
January 1, 2028 through December 31, 2028	\$140,000.

In addition to the fixed license fee payments, Homestyle Dunwoodie, Inc. shall pay to the County an additional license fee consisting of the following percentages of gross sales, less sales tax, in excess of \$750,000:

<u>Period</u>	<u>Percentage Fee</u>
January 1, 2024 through December 31, 2024	7%
January 1, 2025 through December 31, 2025	7%
January 1, 2026 through December 31, 2026	7.5%
January 1, 2027 through December 31, 2027	7.5%
January 1, 2028 through December 31, 2028	8%; 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 \$530,000
 First Amendment \$0
 This Amendment
 TOTAL \$530,000

Agreement #

Account to be
 Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars	
165	42	3050	9246		102,000	2019
165	42	3050	9246		102,000	2020
165	42	3050	9246		107,000	2021
165	42	3050	9246		107,000	2022
165	42	3050	9246		112,000	2023

Budget Funding Year(s) 2019-2023 Start Date 01-01-19 End Date 12-31-23
 (must match resolution)

Funding Source Tax Dollars _____
 State Aid _____
\$ 530,000 Federal Aid _____

(must match resolution)
 Other Revenue

APPROVED BOARD OF ACQUISITION & CONTRACT - 10/27/2018 - USA MRIJAJ, SECRETARY

SCHEDULE OF IMPROVEMENTS

<u>Improvement</u>	<u>Estimated Cost</u>	<u>Completed By</u>
Restore Bar Main Hall/Oak Room, extend brickwork in main hall and Oak Room and paint ballroom	\$47,000	12/31/2019
Furnish and install new chandeliers in dining hall/ballroom	\$2,650	12/31/2019
Furnish and install new wall sconces in dining hall/ballroom	\$1,000	12/31/2019
Furnish and install new LED lighting in dining hall/ballroom	\$1,170	12/31/2019
Enclose windows in dining hall/ballroom	\$5,000	12/31/2019
Furnish and install new mirrors in dining hall/ballroom	\$2,500	12/31/2019
Furnish and install rear door in dining hall/ballroom	\$3,000	12/31/2019
Furnish and install window treatments	\$1,540	12/31/2019
Furnish and install new flooring in oak room	\$13,850	12/31/2019
Furnish and install new dance floors in in oak room	\$5,000	12/31/2019
Furnish and install new chandeliers in oak room	\$1,000	12/31/2019
Furnish and install new blinds in in oak room	\$3,890	12/31/2019
Furnish and install 3 new A/C units in ballroom, oak room and lobby	\$15,000	12/31/2019
Furnish a new dance floor in the main hall	\$4,500	12/31/2019
Furnish a new carpet in the main hall	\$7,500	12/31/2019
Furnish new window treatments in the main hall	\$5,000	12/31/2019
Furnish a new point of sale system	\$10,000	12/31/2019
Furnish a new sign on Yonkers Avenue at entrance	\$1,000	12/31/2021
Furnish a new sign on clubhouse building	\$1,000	12/31/2021
Furnish new blinds in the dining hall/ballroom	<u>\$7,500</u>	<u>12/31/2022</u>
Total Dunwoodie	\$139,100	

SCHEDULE OF IMPROVEMENTS (cont'd)

Furnish new blinds in the dining hall/ballroom	\$5,000	12/31/2022
Install window treatments	<u>\$2,000</u>	<u>12/31/2022</u>
Total Tibbetts Brook Park	\$7,000	
Total All Improvements	\$146,100	

APPROVED BOARD OF ACQUISITION & CONTRACT - 10/25/2018 - LISA MRLIAJ, SECRETARY