

Department of Parks, Recreation
& Conservation

65293

October 2, 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 Immaculate Concessions Inc. for the miniature golf concession at Tibbetts Brook Park, 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.

By Resolution dated December 21, 2017, the Board of Acquisition and Contract granted authority for the County of Westchester to assign the license agreement with Costa Foods, Inc. to Immaculate Concessions, Inc., 75 Hyatt Avenue, Yonkers, New York. The agreement expires December 31, 2019.

Authority is now requested to terminate the current agreement with Immaculate Concessions Inc. and enter into a new five-year agreement with Immaculate Concessions, Inc. commencing January 1, 2019 and ending December 31, 2023, with the sole option of the County to extend the license for a period of five years, in order to allow for improvements to be made to the concession operation.

For the privilege of operating the miniature golf concession, Immaculate Concessions, Inc. shall pay to the County the following annual license fees:

<u>Period</u>	<u>Fee</u>
January 1, 2019 through December 31, 2019	\$1,600
January 1, 2020 through December 31, 2020	\$1,700
January 1, 2021 through December 31, 2021	\$1,800
January 1, 2022 through December 31, 2022	\$1,900
January 1, 2023 through December 31, 2023	\$2,000

In addition to the license fees above, Immaculate Concessions Inc. shall undertake the capital improvements on the attached schedule with an estimated value of \$19,850.

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 Immaculate Concessions Inc. shall pay to the County the following annual license fees:

<u>Period</u>	<u>Fee</u>
January 1, 2024 through December 31, 2024	\$2,100
January 1, 2025 through December 31, 2025	\$2,200
January 1, 2026 through December 31, 2026	\$2,300
January 1, 2027 through December 31, 2027	\$2,400
January 1, 2028 through December 31, 2028	\$2,500

The public purpose of this agreement is to provide an important recreational activity for patrons at Tibbetts Brook Park. The goal of this agreement is to provide revenue to the County while providing an important amenity in support of the park facility.

This agreement will be tracked and monitored by 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 - 10/25/2018 - LISA KRIVAJ, 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 terminate the current agreement with Immaculate Concessions Inc. for the miniature golf concession at Tibbetts Brook Park, Yonkers, New York effective December 31, 2018 and enter into a new five-year agreement with Immaculate Concessions 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, Immaculate Concessions Inc. shall pay to the County the following annual license fees:

<u>Period</u>	<u>Fee</u>
January 1, 2019 through December 31, 2019	\$1,600
January 1, 2020 through December 31, 2020	\$1,700
January 1, 2021 through December 31, 2021	\$1,800
January 1, 2022 through December 31, 2022	\$1,900
January 1, 2023 through December 31, 2023	\$2,000; and be it further

RESOLVED, that in addition to the license fee above, Immaculate Concessions Inc. shall complete improvements valued at \$19,850 on the attached schedule; 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 Immaculate Concessions Inc. shall pay to the County the following annual license fees:

<u>Period</u>	<u>Fee</u>
January 1, 2024 through December 31, 2024	\$2,100
January 1, 2025 through December 31, 2025	\$2,200
January 1, 2026 through December 31, 2026	\$2,300
January 1, 2027 through December 31, 2027	\$2,400
January 1, 2028 through December 31, 2028	\$2,500; 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 \$9,000
 First Amendment \$0
This Amendment
 TOTAL \$9,000

Agreement #

Account to be
 Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars	
165	42	4250	9246		1,600	2019
165	42	4250	9246		1,700	2020
165	42	4250	9246		1,800	2021
165	42	4250	9246		1,900	2022
165	42	4250	9246		2,000	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 _____
\$ 9,000 Federal Aid _____
 (must match resolution) Other Revenue _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 10/E/2018 - USA MARIJAJ, SECRETARY

SCHEDULE OF IMPROVEMENTS

<u>Improvement</u>	<u>Estimated Cost</u>	<u>Completed By</u>
Furnish and install new self-watering sprinkler/irrigation system to maintain natural grass.	\$7,850	12/31/2019
Replace damaged and worn-out sections chain link fence surrounding miniature golf course.	<u>\$12,000</u>	12/31/2019
Total Miniature Golf Course Renovations	\$19,850	

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