

70752

TO: Board of Acquisition and Contract

FROM: Peter Tartaglia
Acting Commissioner of Parks, Recreation and Conservation

DATE: July 17, 2019

SUBJECT: Authority to enter into a First Amendment to the revenue share license agreement with Zamperla, Inc., dated June 4, 2019, pursuant to which Zamperla agreed to provide and place the Disk'O 24, Park Model ride at Playland Park located in Rye, New York, in order authorize Zamperla to perform certain additional infrastructure work needed for the Ride for a total cost for the additional work of \$128,417.73, and Zamperla and the County agreeing to share the total cost for the additional work by i) Zamperla incurring \$50,000 of the total cost and not being reimbursed by the County for such \$50,000, and ii) the County reimbursing Zamperla \$78,417.73 of the total cost, thereby increasing the total new contract not to exceed amount for the County for the Agreement, plus the First Amendment, to \$383,417.73, with all other terms and conditions of the Agreement remaining the same.

The attached Resolution requests authority for the County of Westchester (the "County") to enter into a First Amendment to the revenue share license agreement (the "Agreement") with Zamperla, Inc. ("Zamperla"), dated June 4, 2019, whereby Zamperla agreed to provide and place the Disk'O 24, Park Model ride (the "Ride") at Playland Park, with a term of five (5) operating seasons, beginning with the 2019 operating season and expiring ninety (90) days after the last day of the 2023 operating season, and the County having the option to renew the Agreement for a term up to five (5) years on mutually agreed to terms and conditions. The Agreement also provided that Zamperla would provide the foundation work necessary for the proper installation of the Ride ("Foundation Work") in an amount not to exceed \$305,000, comprised of up to \$280,000 for the foundation work and \$25,000 for a flat administration fee. It further provided that the cost associated with the Foundation Work would be reimbursed through the revenue share provided for in the Agreement, which was based upon the parties splitting the gross receipts generated from the Ride on a fifty percent (50%) Zamperla and fifty percent (50%) County basis as provided for in the Agreement.

Zamperla notified the County that while performing the Foundation Work it encountered certain unforeseen additional infrastructure work needed to complete the Ride ("Additional

Work”) the total cost of which is \$128,417.73. Zamperla and the County wish to share in the total cost for the Additional Work by i) Zamperla incurring \$50,000 of the total cost and not being reimbursed by the County for such \$50,000, and ii) the County reimbursing Zamperla \$78,417.73 of the total cost, thereby increasing the total new contract not to exceed amount for the County for the Agreement, plus the First Amendment, to \$383,417.73, with all other terms and conditions of the Agreement remaining the same. In addition, the County’s reimbursement of the \$78,417.73 to Zamperla for the Additional Work will be paid to Zamperla upon execution of the First Amendment and Zamperla’s submission of all necessary invoice(s) and supporting documentation and not through the revenue share terms of the Agreement.

The County has investigated and confirmed Zamperla’s request for the Additional Work. The new total contract amount for the Agreement (\$305,000), plus the First Amendment (\$78,417.73) shall be an amount not to exceed \$383,417.73.

Accordingly, I most respectfully recommend the adoption of the annexed proposed resolution.

KO/RAN
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 01/10/2019 - LUIS MORALES SUAREZ

RESOLUTION

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

RESOLVED, that the County of Westchester (the "County") is hereby authorized to enter into a First Amendment (the "First Amendment") to the revenue share license agreement (the "Agreement") with Zamperla, Inc. ("Zamperla"), dated June 4, 2019, pursuant to which Zamperla agreed to provide and place the Disk'O 24, Park Model ride (the "Ride") at Playland Park, in order to authorize Zamperla to perform certain additional infrastructure work needed for the Ride ("Additional Work") for a total cost for the Additional Work of \$128,417.73, and Zamperla and the County agreeing to share the total cost for the Additional Work by i) Zamperla incurring \$50,000 of the total cost and not being reimbursed by the County for such \$50,000, and ii) the County reimbursing Zamperla \$78,417.73 of the total cost upon execution of the First Amendment and Zamperla's submission of all necessary invoice(s) and supporting documentation and Zamperla not being reimbursed for the \$78,417.73 through the revenue share terms of the Agreement, thereby increasing the total new contract not to exceed amount for the County for the Agreement, plus the First Amendment, to \$383,417.73; and be it further

RESOLVED, except as modified herein, all other terms and conditions of the Agreement shall remain unchanged and in full force and effect, 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.

Account to be
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars	
165	42	5520	4070		\$78,417.73	2019

Budget Funding Year(s) **2019** Start Date **upon execution** End Date **90 days after end of 2023 operating season**

Funding Source

Tax Dollars: \$78,417.73

State Aid: _____

\$ 78,417.73
(must match resolution)

Federal Aid _____

Other _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 07/18/2019 LISA MRIJAJ, SECRETARY