

ID 25891

March 28, 2012

To: The Honorable Board of Acquisition and Contract

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

Re: Authority to enter into an Agreement with Beyond Pacific, LLC for the use of two (2) baseball fields and a pavilion at V.E. Macy Park for the purpose of operating a baseball program for children for the period April 19, 2012 through December 31, 2016, with the sole option of the County to extend the agreement for an additional period of five years for a license fee to be negotiated

Authority is requested for the County of Westchester, acting by and through the Department of Parks, Recreation & Conservation (the "Department"), to enter into an agreement with Beyond Pacific, LLC, 707 Fenimore Road, Mamaroneck, New York 10543 ("Beyond Pacific"), pursuant to which the County will grant Beyond Pacific a revocable License for use of two (2) baseball fields and a pavilion at V.E. Macy Park for the purpose of operating a baseball program for children consisting of a Summer Camp, Fall Baseball League and Spring and Fall Tournaments, for the period April 19, 2012 through December 31, 2016, with the sole option of the County to extend the agreement for an additional period of five years for a license fee to be negotiated.

In addition to granting a License for use of designated portions of V.E. Macy Park, the County will provide Beyond Pacific with marketing assistance for the Summer Camp and Department staff to collect Summer Camp fees and provide field maintenance.

In consideration of the granting of the License, and for the additional services described above, Beyond Pacific will pay the County the following annual license fees:

- 30% of all gross revenue generated from Summer Camp in 2012 and 2013;
- 31% of all gross revenue generated from Summer Camp in 2014;
- 31% of all gross revenue generated from Summer Camp in 2015;
- 32% of all gross revenue generated from Summer Camp in 2016;
- 15% of all revenue generated from Leagues and Tournaments, less sales tax, in each year of the agreement;
- 50% of all revenue, less sales tax and expenses, generated from field fence advertising during each year of the agreement.

In addition to the above License Fees, Beyond Pacific will make improvements to the dimensions of the two baseball fields by resizing the mounds, installing new base posts and cutting the outfield and infield grass to allow for larger field play. These improvements will enable the fields to be used by various age groups and skill levels thus enhancing field rental potential at the facility. The improvements are valued at approximately \$20,000.

The objective of this Agreement is to increase opportunities for Westchester residents to experience baseball, complimenting the County's goal of a more active and healthier Westchester County under the "Be Fit" Westchester umbrella. Additionally, it will promote our facility and increase revenue to the County. Department of Parks, Recreation and Conservation personnel will track and monitor the program through frequent site visits.

The proposed Agreement is exempt from the Westchester County Procurement Policy pursuant to Section 3(b) thereof.

As this is a revenue-producing contract for the County, I respectfully request the approval of the annexed resolution.

APPROVED BOARD OF ACQUISITION & CONTRACT ADMINISTRATION
04/20/2011
COUNTY CLERK
COUNTY SECRETARY

RESOLUTION

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

RESOLVED, that the County of Westchester, acting by and through the Department of Parks, Recreation & Conservation (the "Department"), is hereby authorized to enter into an agreement with Beyond Pacific, LLC, 707 Fenimore Road, Mamaroneck, New York 10543 ("Beyond Pacific"), pursuant to which the County will grant Beyond Pacific a revocable License for use of two (2) baseball fields and a pavilion at V.E. Macy Park for the purpose of operating a baseball program for children consisting of a Summer Camp, Fall Baseball League and Spring and Fall Tournaments, for the period April 19, 2012 through December 31, 2016, with the sole option of the County to extend the agreement for an additional period of five years for a license fee to be negotiated; and be it further

RESOLVED, that the County will provide Beyond Pacific with marketing assistance for the Summer Camp and Department staff to collect Summer Camp fees and provide field maintenance; and be it further

RESOLVED, that for this license privilege, Beyond Pacific will pay the County of Westchester the following annual License Fees:

- 30% of all gross revenue generated from Summer Camp in 2012 and 2013;
- 31% of all gross revenue generated from Summer Camp in 2014;
- 31% of all gross revenue generated from Summer Camp in 2015;
- 32% of all gross revenue generated from Summer Camp in 2016;
- 15% of all revenue generated from Leagues and Tournaments, less sales tax, in each year of the agreement;
- 50% of all revenue, less sales tax and expenses, generated from field fence advertising during each year of the agreement; and be it further

RESOLVED, that, in addition to the annual License Fees, Beyond Pacific will make improvements to the dimensions of the two baseball fields at the facility at their sole cost and expense for an estimated value of \$20,000; 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.

Original Agreement \$ 273,566.56 *
 First Amendment \$
This Amendment \$ _____
 TOTAL \$ 273,566.56 *

Account to be
 Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars	
165	42	4300	9553		\$53,458.91*	2012
165	42	4300	9553		\$53,458.91*	2013
165	42	4300	9553		\$55,026.91*	2014
165	42	4300	9553		\$55,026.91*	2015
165	42	4300	9553		\$56,594.91*	2016

Budget Funding Year(s) 2012-16 Start Date 4/19/2012 End Date 12/31/2016
 (must match resolution)

Funding Source Tax Dollars _____
 State Aid _____
\$ 273,566.56 * Federal Aid _____
 (must match resolution) Other _____ Revenue _____

*Estimated

APPROVED BOARD OF ACQUISITION & CONTRACT 04/26/2012 DOMARY VIEIRA, SECRETARY