

37306

December 4, 2013

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 and catering concession at the Westchester County Center, White Plains, NY for the period January 1, 2014 through December 31, 2014.

Authority is requested of this Board for the County of Westchester to enter into a license agreement with CulinArt, Inc. ("CulinArt"), 175 Sunnyside Boulevard, Plainview, NY 11803, for the food, beverage and catering concession at the Westchester County Center, White Plains, NY for the period of January 1, 2014 through December 31, 2014.

As consideration for this license privilege, CulinArt will pay the County of Westchester the minimum fee or a percentage of gross receipts, whichever is greater, for concession, catering and vending sales at the Westchester County Center as follows:

<u>Minimum License Fee</u>	<u>Percentage Fee to \$700,000 In Gross Sales</u>	<u>Percentage Fee Over \$700,000 In Gross Sales</u>
\$135,000	17.5%	19%

CulinArt will also offer a 10% discount for food service for catered affairs sponsored by any agency of the County of Westchester. CulinArt shall also provide \$15,000 in food and related services to the Department of Parks, Recreation and Conservation and provide marketing and promotions valued at \$25,000 at the County Center.

Although licenses are exempt from the County's Procurement Policy pursuant to Section 3(b) therein, a Request for Proposals for a Food, Beverage and Catering Concession at the Westchester County Center ("RFP") was prepared and distributed. The review process took longer than anticipated and it did not allow for sufficient time for the securing of all of the required permits and licenses on a timely basis. It was therefore determined that it would be in the County's best interest to enter into a one year license at the County Center and distribute another RFP in 2014.

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 and catering options for patrons at the Westchester County Center which should have a positive impact on the overall business and operation of the County Center. 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.

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 - 12/19/2013 - DOMAR VIEIRA, SECRETARY

## RESOLUTION

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

**RESOLVED**, that the County of Westchester is authorized to enter into a license agreement with CulinArt, Inc. ("CulinArt"), 175 Sunnyside Boulevard, Plainview, NY 11803, for the food, beverage and catering concession at the Westchester County Center, White Plains, NY for the period January 1, 2014 through December 31, 2014; and be it further

**RESOLVED**, that for this license privilege, CulinArt will pay the County of Westchester the minimum fee or a percentage of the gross receipts, whichever is greater as follows:

<u>Minimum License Fee</u>	<u>Percentage Fee to \$700,000 In Gross Sales</u>	<u>Percentage Fee Over \$700,000 In Gross Sales</u>
\$135,000	17.5%	19%; and be it further

**RESOLVED**, that during the term of this License, food service for catered affairs sponsored by any agency of the County of Westchester at the County Center 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 of Parks, Recreation and Conservation during the term of the License; and be it further

**RESOLVED**, that CulinArt shall provide marketing and promotions valued at \$25,000; 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.

Agreement #

Account to be  
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars
165	42	7150	9246		\$ 135,000

Budget Funding Year(s) 2014 Start Date 1-01-14 End Date 12-31-14  
(must match resolution)

Funding Source Tax Dollars \_\_\_\_\_

State Aid \_\_\_\_\_

\$ 135,000 Federal Aid \_\_\_\_\_  
(must match resolution)

Other Revenue \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/19/2013 - JOMARY NEIRA, SECRETARY