

44385

January 28, 2015

TO: Board of Acquisition and Contract

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

RE: Authority to exercise the option to extend the agreement with Frank Costa for the food and refreshment concession at Tibbetts Brook Park for the period January 1, 2015 through December 31, 2019 and to assign the License Agreement with Frank Costa to Costa Foods, Inc. effective January 1, 2015.

On June 17, 2010, the Board of Acquisition and Contract granted authority to enter into a license agreement with Frank Costa, 11 Lincoln Avenue, Rye Brook, New York 10573 for the food and refreshment concession at Tibbetts Brook Park, Yonkers, New York for the period June 18, 2010 through December 31, 2014, with the sole option of the County to extend the agreement for a period of five years for a license fee to be negotiated. Mr. Costa has provided excellent service at the facility and the County would like to exercise the option to extend the agreement. In addition, Mr. Costa requested to assign the License to Costa Foods, Inc., 11 Lincoln Avenue, Rye Brook, New York 10573. The assignment of the agreement to Costa Foods, Inc. should have no negative impact on the operation of the concession.

Authority is requested to exercise the option to extend the license agreement with Frank Costa for the period January 1, 2015 through December 31, 2019 and assign the License Agreement with Frank Costa to Costa Foods, Inc., 11 Lincoln Avenue, Rye Brook, New York 10573, effective January 1, 2015. As consideration for the privilege of operating this License, Costa Foods, Inc. shall pay to the County a license fee consisting of the greater of an annual minimum fee or an annual per capita fee based on the number of bathing tickets sold.

The annual minimum license fee shall be:

January 1, 2015 through December 31, 2015 - \$30,000
January 1, 2016 through December 31, 2016 - \$30,000
January 1, 2017 through December 31, 2017 - \$30,000
January 1, 2018 through December 31, 2018 - \$30,000
January 1, 2019 through December 31, 2019 - \$30,000

The annual per capita fee based on the number of bathing tickets sold shall be:

- January 1, 2015 through December 31, 2015 - \$0.44
- January 1, 2016 through December 31, 2016 - \$0.44
- January 1, 2017 through December 31, 2017 - \$0.45
- January 1, 2018 through December 31, 2018 - \$0.45
- January 1, 2019 through December 31, 2019 - \$0.45

The public purpose of this agreement is to provide food and refreshments for patrons at Tibbetts Brook Park. The goal of this agreement is to provide revenue to the County and provide an important amenity in support of the pool facility.

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 & CONTRACTS - 02/19/2015 - JONATHAN VIEIRA, 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 exercise the option and extend the license agreement with Frank Costa, 11 Lincoln Avenue, Rye Brook, New York 10573, for the food and refreshment concession at Tibbetts Brook Park, Yonkers, New York for the period January 1, 2015 through December 31, 2019; and be it further

RESOLVED, that the County of Westchester is hereby authorized to assign the license agreement with Frank Costa, 11 Lincoln Avenue, Rye Brook, New York 10573, for the food and refreshment concession at Tibbetts Brook Park, Yonkers, New York to Costa Foods, Inc. effective January 1, 2015; and be it further

RESOLVED, that as consideration for the privilege of operating this License, the Licensee shall pay to the County a license fee consisting of the greater of an annual minimum fee or a per capita fee based on the number of bathing tickets sold, payable as follows:

The annual minimum license fee shall be:

<u>Period</u>	<u>License Fee</u>
January 1, 2015 through December 31, 2015	\$30,000
January 1, 2016 through December 31, 2016	\$30,000
January 1, 2017 through December 31, 2017	\$30,000
January 1, 2018 through December 31, 2018	\$30,000
January 1, 2019 through December 31, 2019	\$30,000

The annual per capita fee based on the number of bathing tickets sold shall be:

<u>Period</u>	<u>License Fee</u>
January 1, 2015 through December 31, 2015	\$0.44
January 1, 2016 through December 31, 2016	\$0.44
January 1, 2017 through December 31, 2017	\$0.45
January 1, 2018 through December 31, 2018	\$0.45
January 1, 2019 through December 31, 2019	\$0.45; 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 \$135,500
 First Amendment \$150,000
This Amendment \$ _____
 TOTAL \$285,500

Agreement #

Account to be
 Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars	
165	42	4250	9246		\$30,000*	2015
165	42	4250	9246		\$30,000*	2016
165	42	4250	9246		\$30,000*	2017
165	42	4250	9246		\$30,000*	2018
165	42	4250	9246		\$30,000*	2019

Budget Funding Year(s) 2015-2019 Start Date 01-01-15 End Date 12-31-19
 (must match resolution)

Funding Source Tax Dollars _____
 State Aid _____
\$150,000 Federal Aid _____
 (must match resolution) Other Revenue _____

*estimated