

ID70714

July 15, 2019

TO: Board of Acquisition and Contract

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

RE: AUTHORITY TO ENTER INTO A LICENSE AGREEMENT WITH HOMESTYLE AT WESTCHESTER COUNTY CENTER, INC, 677 COMMERCE STREET, THORNWOOD, NY, FOR THE FOOD, BEVERAGE AND CATERING CONCESSION AT THE WESTCHESTER COUNTY CENTER FOR A TERM COMMENCING JANUARY 1, 2020 AND TERMINATING DECEMBER 31, 2024, WITH THE SOLE OPTION OF THE COUNTY TO EXTEND THE AGREEMENT FOR THE PERIOD OF JANUARY 1, 2025 THROUGH DECEMBER 31, 2029 AT THE LISTED TERMS.

On December 18, 2014, the Board of Acquisition and Contract granted authority for the County of Westchester ("the County") to enter into a license agreement with Homestyle at Westchester County Center, Inc. ("Homestyle"), 34 Convent Avenue, Yonkers, New York for the operation of the food, beverage and catering concession at the Westchester County Center, White Plains, New York for a term commencing January 1, 2015 and terminating December 31, 2019 with the sole option of the County to extend the agreement for an additional five-year period.

During the past five years, Homestyle has made completed improvements to the food service operation, has upgraded food and beverage services and has weathered significant changes with respect to operations at the Westchester County Center. Homestyle has had a positive impact on the overall operation at the County Center and desires to make additional improvements. The Department would now like to enter into a new five-year agreement with a five-year option at the end of this year.

Authority is requested of this Board for the County of Westchester ("the County") to enter into a new license agreement with Homestyle at Westchester County Center, Inc. ("Homestyle"), 677 Commerce Street, Thornwood, NY 10594, for the operation of the food, beverage, vending and catering concession at the Westchester County Center, White Plains, New York for a term commencing January 1, 2020 and terminating December 31, 2024. The County, at its sole option, may extend the agreement for the

period of January 1, 2025 through December 31, 2029 according to the terms listed below.

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

<u>Period</u>	<u>Minimum License Fee</u>	<u>Percentage of Gross Sales License Fee</u>
1/1/20-12/31/20	\$135,000	20%
1/1/21-12/31/21	\$136,000	20%
1/1/22-12/31/22	\$137,000	20%
1/1/23-12/31/23	\$138,000	20%
1/1/24-12/31/24	\$139,000	20%

In addition, Homestyle shall also offer a discount of 25% for food service for catered events sponsored by any agency of the County of Westchester.

Homestyle shall also provide food and related services to the Department of Parks, Recreation and Conservation as follows:

<u>Period</u>	<u>Food and Related Services</u>
1/1/20-12/31/20	\$15,000
1/1/21-12/31/21	\$15,000
1/1/22-12/31/22	\$15,000
1/1/23-12/31/23	\$15,000
1/1/24-12/31/24	\$15,000

In addition to the above, Homestyle will complete improvements on the attached schedule in the amount of \$85,000 no later than December 31, 2020.

The County may, at its sole option, extend the license agreement for the period of January 1, 2025 through December 31, 2029.

If, at its sole option, the County extends the license, in consideration for this license privilege, Homestyle will pay to the County a minimum license fee or a percentage of the gross receipts, whichever is greater, for concession, catering and vending sales at the Westchester County Center as follows:

<u>Period</u>	<u>Minimum License Fee</u>	<u>Percentage of Gross Sales License Fee</u>
1/1/25-12/31/25	\$150,000	20%
1/1/26-12/31/26	\$150,000	20%
1/1/27-12/31/27	\$150,000	20%
1/1/28-12/31/28	\$150,000	20%
1/1/29-12/31/29	\$150,000	20%

In addition, Homestyle shall also offer a discount of 25% for food service for catered events sponsored by any agency of the County of Westchester.

Homestyle shall also provide food and related services to the Department of Parks, Recreation and Conservation as follows:

<u>Period</u>	<u>Food and Related Services</u>
1/1/25-12/31/25	\$15,000
1/1/26-12/31/26	\$15,000
1/1/27-12/31/27	\$15,000
1/1/28-12/31/28	\$15,000
1/1/29-12/31/29	\$15,000.

The goal and objective of this agreement is to allow the County to provide quality food, refreshment and catering options for patrons at the Westchester County Center. This agreement promotes fiscal responsibility as the County will benefit through the revenue generated.

The objective of this agreement will be monitored through revenue reports and site visits from Parks, Recreation and Conservation staff members.

This agreement is exempt from the County's procurement policy pursuant to Section 3 (b).

A Resolution is attached for your favorable consideration.

APPROVED BOARD OF ACQUISITION & CONTRACTS 08/09/2019 - JOAN COCCIANI, 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 authorized to enter into a license agreement with Homestyle at the Westchester County Center, Inc. ("Homestyle"), 677 Commerce Street, Thornwood, NY 10594 for the operation of the food, beverage and catering concession at the Westchester County Center, White Plains, New York for a term commencing January 1, 2020 and terminating December 31, 2024; and be it further

RESOLVED, that for this license privilege, Homestyle shall pay to the County, a minimum license fee or a percentage of the gross receipts, whichever is greater, for concession, catering and vending sales at the Westchester County Center as follows:

<u>Period</u>	<u>Minimum License Fee</u>	<u>Percentage of Gross Sales License Fee</u>
1/1/20-12/31/20	\$135,000	20%
1/1/21-12/31/21	\$136,000	20%
1/1/22-12/31/22	\$137,000	20%
1/1/23-12/31/23	\$138,000	20%
1/1/24-12/31/24	\$139,000	20%; and be it further

RESOLVED, that Homestyle shall also provide food and related services to the Department of Parks, Recreation and Conservation during the term of the agreement as follows:

<u>Period</u>	<u>Food and Related Services</u>
1/1/20-12/31/20	\$15,000
1/1/21-12/31/21	\$15,000
1/1/22-12/31/22	\$15,000
1/1/23-12/31/23	\$15,000
1/1/24-12/31/24	\$15,000; and be it further

RESOLVED, that Homestyle shall, at its sole cost and expense, make the improvements on the attached Schedule of Improvements no later than December 31, 2020; 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 25% discount; and be it further

RESOLVED, that the County, at its sole option, may extend the agreement for the period of January 1, 2025 through December 31, 2029; and be it further

RESOLVED, that if the County, at its sole option extends the agreement for the period of January 1, 2025 through December 31, 2029, Homestyle shall pay to the County for this privilege, a minimum license fee or a percentage of the gross receipts, whichever is greater, for concession, catering and vending sales at the Westchester County Center as follows:

<u>Period</u>	<u>Minimum License Fee</u>	<u>Percentage of Gross Sales License Fee</u>
1/1/25-12/31/25	\$150,000	20%
1/1/26-12/31/26	\$150,000	20%
1/1/27-12/31/27	\$150,000	20%
1/1/28-12/31/28	\$150,000	20%
1/1/29-12/31/29	\$150,000	20%; and be it further

RESOLVED, that Homestyle shall also provide food and related services to the Department of Parks, Recreation and Conservation during the term of the agreement as follows:

<u>Period</u>	<u>Food and Related Services</u>
1/1/25-12/31/25	\$15,000
1/1/26-12/31/26	\$15,000
1/1/27-12/31/27	\$15,000
1/1/28-12/31/28	\$15,000
1/1/29-12/31/29	\$15,000; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby empowered to execute any and all instruments and take such other actions as may reasonably be necessary to effectuate the purposes thereof.

Original Agreement \$685,000
 First Amendment \$
This Amendment
 TOTAL \$685,000

Agreement #PRC-1227

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	2020
165	42	7150	9246		\$136,000	2021
165	42	7150	9246		\$137,000	2022
165	42	7150	9246		\$138,000	2023
165	42	7150	9246		\$139,000	2024

Budget Funding Year(s) **2020-2024** Start Date **1/1/2020** End Date **12/31/2024**
 (must match resolution)

Funding Source Tax Dollars _____

State Aid _____

\$685,000 Federal Aid _____

(must match resolution)

Other REVENUE

APPROVED BOARD OF ACQUISITIONS CONTRACT - 08/09/2019 - JOAN COCCIARDI, SECRETARY

WESTCHESTER COUNTY CENTER
FOOD, BEVERAGE AND CATERING CONCESSION

SCHEDULE OF IMPROVEMENTS*

Furnish and install a new area specifically designed for the sale of specialty beer and designated as a 21 and older area.	\$15,000
Furnish and install a new area specifically designed for the purchase of candy popcorn and ice cream which will reduce lines and speed service.	\$15,000
Paint upstairs and downstairs concession areas.	\$ 7,500
Furnish and install new condiment stands at both upstairs and downstairs concession areas.	\$ 5,000
Update stations (4) for children.	\$ 7,500
Update and install new digital menu boards for both upstairs and downstairs concession areas.	\$ 5,000
Furnish and install new flooring outside concession/bathroom area to match existing flooring in building on first and second floor.	\$ 10,000
Paint kitchen/prep areas and upgrade lighting to LED energy efficient bulbs.	\$ 5,000
Replace countertop at both upstairs and downstairs concession areas.	<u>\$15,000</u>
	<u>\$85,000</u>

*All above improvements shall be completed no later than December 31, 2020.