

Department of Parks, Recreation
& Conservation

ID 73800

January 6, 2019

TO: Board of Acquisition and Contract

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

RE: Authority enter into a license agreement with DNN Food LLC, 2450 Mark Road, Yorktown, NY 10598, for the operation of the food and beverage and miniature golf concession at Saxon Woods Park, White Plains, New York for the period of February 1, 2020 through December 31, 2024, with the sole option of the County to extend the agreement for an additional five-year term.

Authority to enter into a license agreement with DNN Food LLC ("DNN"), 2450 Mark Road, Yorktown, New York 10598, for the operation of the food and refreshment concession and miniature golf concession at Saxon Woods Park, White Plains, New York for the period of February 1, 2020 through December 31, 2024, with the sole option of the County to extend the agreement for an additional five-year term, for a license fee to be negotiated.

For the privilege of operating the food and refreshment concession, DNN shall pay to the County an annual license fee as follows:

The greater of \$25,000 or .45 per bathing ticket sold in 2020
The greater of \$26,000 or .46 per bathing ticket sold in 2021
The greater of \$28,000 or .47 per bathing ticket sold in 2022
The greater of \$29,000 or .48 per bathing ticket sold in 2023
The greater of \$30,000 or .50 per bathing ticket sold in 2024.

For the privilege of operating the miniature golf concession at Saxon Woods Park, DNN will pay to the County the following annual license fees:

<u>Period</u>	<u>License Fee</u>
February 1, 2020 to December 31, 2020	\$15,000
February 1, 2021 to December 31, 2021	\$15,000
February 1, 2022 to December 31, 2022	\$16,000
February 1, 2023 to December 31, 2023	\$16,000
February 1, 2024 to December 31, 2024	\$17,000

In addition to the above license fees, DNN shall also complete the following improvements to the snack bar building at a total estimated cost of \$21,000, no later than June 1, 2020:

1. Bring concession kitchen up to code.
2. Repair flooring and paint floors.
3. Paint interior of concession area.
4. Repair ceiling and replace ceiling tiles.
5. Replace lighting.
6. Bring electric system up to code.

In addition to the above license fees, DNN shall also complete the following improvements to the miniature golf concession at a total estimated cost of \$60,000, no later than June 1, 2020:

1. Completely rehabilitate miniature golf course.
2. Remove turf and replace with high quality carpet.
3. Remove the perimeter of the greens and fairways with a wider, keystone-shaped brick.
4. Install 18 replacement cups.
5. Furnish and install new signage and tee markers.
6. Upgrade lighting
7. Remove white rocks and replace with new plant materials.
8. Repair and upgrade all wiring for water features.
9. Install new fencing throughout the golf course.
10. Repair/replace hole with gap over water.

DNN shall also furnish and supply equipment to the food concession at Saxon Woods Pool at an estimated cost of \$67,000, which shall remain the property of DNN.

Although licenses are exempt from the County's Procurement Policy pursuant to section 3(b) therein, a Request for Proposals was developed and notification was sent to more than sixty individuals and firms and was advertised on the County website and in the Journal News. There were two respondents. Although DNN offered a lower license fee, it was determined that the DNN proposal was more realistic with respect to conditions at Saxon Woods and that the operation would be managed directly by the principals of the company.

The public purpose of this agreement is to make food and beverages available for sale to patrons at Saxon Woods Park and provide an additional recreation opportunity at miniature golf.

The goal of this agreement is to provide revenue for the County. The objective of this agreement will be tracked and monitored by observations and interactions with staff and site visits.

Accordingly, approval of the attached resolution by your Honorable Board is most respectfully requested.

RESOLUTION

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

RESOLVED, that the County of Westchester (“County”) is hereby authorized to enter into a license agreement with DNN Food LLC (“DNN”), 2450 Mark Road, Yorktown, NY 10598 for the operation of the food and refreshment and miniature golf concession at Saxon Woods Park, White Plains, New York for the period of February 1, 2020 through December 31, 2024; and be it further

RESOLVED, that for the privilege of operating the food concession, DNN shall pay to the County the following annual license fees during the term of the agreement:

The greater of \$25,000 or .45 per bathing ticket sold in 2020
The greater of \$26,000 or .46 per bathing ticket sold in 2021
The greater of \$28,000 or .47 per bathing ticket sold in 2022
The greater of \$29,000 or .48 per bathing ticket sold in 2023
The greater of \$30,000 or .50 per bathing ticket sold in 2024; and be it further

RESOLVED, that for the privilege of operating the miniature golf concession at Saxon Woods Park, DNN will pay to the County the following annual license fees:

<u>Period</u>	<u>License Fee</u>
February 1, 2020 to December 31, 2020	\$15,000
February 1, 2021 to December 31, 2021	\$15,000
February 1, 2022 to December 31, 2022	\$16,000
February 1, 2023 to December 31, 2023	\$16,000
February 1, 2024 to December 31, 2024	\$17,000; and be it further

RESOLVED, that in addition to the above license fees, DNN shall also complete the following improvements to the snack bar building, for a total estimated cost of \$21,000, no later than June 1, 2020:

1. Bring concession kitchen up to code.
2. Repair flooring and paint floors.
3. Paint interior of concession area.
4. Repair ceiling and replace ceiling tiles.
5. Replace lighting.
6. Bring electric system up to code; and be it further

RESOLVED, that in addition to the above license fees, DNN shall also complete the following improvements to the miniature golf concession at a total estimated cost of \$60,000, no later than May 1, 2020:

1. Completely rehabilitate miniature golf course.
2. Remove turf and replace with high quality carpet.
3. Remove the perimeter of the greens and fairways with a wider, keystone-shaped brick.
4. Install 18 replacement cups.
5. Furnish and install new signage and tee markers.
6. Upgrade lighting.
7. Remove white rocks and replace with new plant materials.
8. Repair and upgrade all wiring for water features.
9. Install new fencing throughout the golf course.
10. Repair/replace hole with gap over water; 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 at a license fee to be negotiated; 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.

APPROVED BOARD OF ACQUISITION & CONTRACT - 1/17/2019 - LISA MARIJA SECRETARY

Original Agreement \$217,000*
 First Amendment \$
This Amendment \$ _____
 TOTAL \$217,000*

Agreement #

Account to be
 Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars	
165	42	4950	9246		\$40,000*	2020
165	42	4950	9246		\$41,000*	2021
165	42	4950	9246		\$44,000*	2022
165	42	4950	9246		\$45,000*	2023
165	42	4950	9246		\$47,000*	2024

Budget Funding Year(s) 2020-2024 Start Date 2-1-20 End Date 12-31-24
 (must match resolution)

Funding Source Tax Dollars _____
 State Aid _____
\$ 217,000* Federal Aid _____

(must match resolution) Other Revenue _____

*Estimated