

75526

April 13, 2020

TO: Board of Acquisition and Contract

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

RE: AUTHORITY TO ENTER INTO AN AGREEMENT WITH SPECIAL FX WIZARD, INC., 124 PINEWAY AVENUE, MASTIC BEACH, NY 11951 TO PROVIDE ELECTRONICALLY FIRED FIREWORKS DISPLAYS AT PLAYLAND FOR AN AMOUNT NOT TO EXCEED \$515,206 FOR A TERM COMMENCING MAY 9, 2020 AND TERMINATING SEPTEMBER 30, 2024 WITH THE COUNTY HAVING THE SOLE OPTION TO EXTEND THE AGREEMENT FOR AN ADDITIONAL PERIOD OF FIVE OPERATING SEASONS.

Authority is requested of this Honorable Board for the County of Westchester (the "County"), acting by and through the Department of Parks Recreation and Conservation (the "Department"), to enter into an agreement with Special FX Wizard, Inc. ("Special FX"), 124 Pineway Avenue, Mastic Beach, NY 11951, to provide electronically fired fireworks displays at Playland at the rates set forth below for a term commencing May 9, 2020 and terminating September 30, 2024 with the County having the sole option to extend the agreement for an additional period of five operating seasons as set forth below (the "Agreement").

Upon approval of the Agreement by this Honorable Board, Special FX will provide a maximum of ten (10) regular shows, two (2) holiday shows and two (2) daytime display shows in each year of the Agreement at the rates as follows:

Year	Regular Show	Holiday Show	Daytime Display
2020	\$7,000	\$9,500	\$6,000
2021	\$7,000	\$9,500	\$6,180
2022	\$7,250	\$9,750	\$6,365
2023	\$7,250	\$9,750	\$6,556
2024	\$7,350	\$10,000	\$6,752

For this service, Special FX will be paid by the County a fee not to exceed \$101,000 in 2020, \$101,360 in 2021, \$104,730 in 2022, \$105,112 in 2023 and \$107,004 in 2024, for a total amount not to exceed \$519,206 for the term of the Agreement.

If the County exercises its option to renew, Special FX will provide a maximum of ten (10) regular shows, two (2) holiday shows and two (2) daytime display shows in each year of the option period at the rates as follows:

Year	Regular Show	Holiday Show	Daytime Display
2025	\$7,500	\$10,000	\$6,995
2026	\$7,600	\$10,100	\$7,163
2027	\$7,700	\$10,200	\$7,378
2028	\$7,800	\$10,300	\$7,599
2029	\$7,900	\$10,400	\$7,826

For this service Special FX will be paid by the County a fee not to exceed \$108,910 in 2025, \$110,526 in 2026, \$112,156 in 2027, \$113,798 in 2028 and \$115,452 in 2029, for a total amount not to exceed \$560,842 for the term of the option period.

In accordance with County procurement policy, a "Request for Proposals" was developed and published on the County website on January 6, 2020. It was also emailed directly to ten (10) organizations. Two responses were received and evaluated by a committee of various personnel from the Department. The committee considered the respondents show fees, cancellation policy, shell count, size of shells, experience and references when analyzing the proposals. Based on those factors, the committee recommended that the proposal from Special FX was in the best interest of the County.

A private operator may take control of day to day operations of Playland Park, including the provision of fireworks, during the term of this proposed Agreement. The Agreement will therefore provide that the County shall have the right to terminate the Agreement, upon thirty (30) days prior written notice, in the event that the day-to-day operations of Playland are transferred to a private operator.

The goal of the Agreement is to allow the County to provide fireworks displays for patrons at Playland. The County strongly believes that these displays will play a role in drawing additional patrons to Playland. The Agreement promotes fiscal responsibility as the additional revenue generated will far exceed the cost of the Agreement.

The objective of the Agreement will be monitored through site inspections and the review of financial reports.

A resolution is attached for your favorable consideration.

KMO/ran

# RESOLUTION

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

**RESOLVED**, that the County of Westchester (the “County”) is authorized to enter into an agreement with Special FX Wizard, Inc. (“Special FX”), 124 Pineway Avenue, Mastic Beach, NY 11951 to provide electronically fired fireworks displays at Playland for a term commencing May 9, 2020 and terminating September 30, 2024, at the rates set forth below, with the County having the sole option to extend the agreement for an additional period of five operating seasons as set forth below (the “Agreement”); and be it further

**RESOLVED**, that Special FX will provide a maximum of ten (10) regular shows, two (2) holiday shows and two (2) daytime display shows in each year of the Agreement at the rates as follows:

Year	Regular Show	Holiday Show	Daytime Display
2025	\$7,500	\$10,000	\$6,995
2026	\$7,600	\$10,100	\$7,163
2027	\$7,700	\$10,200	\$7,378
2028	\$7,800	\$10,300	\$7,599
2029	\$7,900	\$10,400	\$7,826; and be it further

**RESOLVED**, that for this service, Special FX will be paid by the County a fee not to exceed \$101,000 in 2020, \$101,360 in 2021, \$104,730 in 2022, \$105,112 in 2024 and \$107,004 in 2024, for a total amount not to exceed \$519,206 for the term of the Agreement; and be it further

**RESOLVED**, that at the County’s option the term of the Agreement may be extended for an additional period from May 1, 2025 through September 30, 2029; and be it further

**RESOLVED**, that Special FX will provide a maximum of ten (10) regular shows, two (2) holiday shows and two (2) daytime display shows in each year of the option period at the rates as follows:

Year	Regular Show	Holiday Show	Daytime Display
2025	\$7,500	\$10,000	\$6,995
2026	\$7,600	\$10,100	\$7,163
2027	\$7,700	\$10,200	\$7,378
2028	\$7,800	\$10,300	\$7,599
2029	\$7,900	\$10,400	\$7,826; and be it further

**RESOLVED**, for this option period, Special FX will be paid by the County a fee not to exceed \$108,910 in 2025, \$110,526 in 2026, \$112,156 in 2027, \$113,798 in 2028

and \$115,452 in 2029, for a total amount not to exceed \$560,842 for the term of the option period; and be it further

**RESOLVED**, that the Agreement shall provide the County with the right to terminate the Agreement, upon thirty (30) days prior written notice, in the event that day-to-day operations of Playland are transferred to a private operator; and be it further

**RESOLVED**, that the Agreement is subject to County budget appropriations; and be it further

**RESOLVED**, that the Agreement is also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of the Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of the State Budget or any amendments thereto, and for a reasonable period of time after such release(s) adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate the Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Contractor, then the Contractor shall have the right to terminate the Agreement upon reasonable prior written notice; and be it further

**RESOLVED**, that the County Executive or his authorized designee is hereby empowered to execute any and all instruments necessary to effectuate the purposes thereof.

APPROVED BOARD OF ACQUISITION & CONTRACTS COUNTY OF WESTCHESTER COUNTY, NY 2020 - LISA M. RIZZO, SECRETARY

Original Agreement \$519,206  
 First Amendment \$  
**This Amendment** \$ \_\_\_\_\_  
 TOTAL \$519,206

Agreement #PRC-1250

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars	
165	42	5520	4620		\$101,000	2020
165	42	5520	4620		\$101,360	2021
165	42	5520	4620		\$104,730	2022
165	42	5520	4620		\$105,112	2023
165	42	5520	4620		\$107,004	2024

Budget Funding Year(s) 2020-2024 Start Date 05/09/2020 End Date 09/30/2024  
 (must match resolution)

Funding Source Tax Dollars \$519,206  
 State Aid \_\_\_\_\_  
**\$ 519,206** Federal Aid \_\_\_\_\_  
 (must match resolution) Other \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/16/2020 - USA MRIJAJ, SECRETARY