



76692

September 30, 2020

TO: Board of Acquisition and Contract

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

RE: REQUEST FOR AUTHORITY FOR THE COUNTY OF WESTCHESTER ("COUNTY") TO ENTER INTO AN AGREEMENT WITH LARGER THAN LIFE SHOWS ("LARGER THAN LIFE") PURSUANT TO WHICH LARGER THAN LIFE WILL PROVIDE AN ENTERTAINMENT PACKAGE AT PLAYLAND FOR AN AMOUNT NOT TO EXCEED \$282,000 FOR A TERM COMMENCING MAY 8, 2021 AND TERMINATING SEPTEMBER 30, 2022.

Authority of your Honorable Board is requested for the County, acting by and through its Department of Parks Recreation and Conservation ("Department"), to enter into an agreement with Larger than Life, pursuant to which Larger than Life will provide an entertainment package consisting of kiddyland shows, DJ, strolling entertainment, performers for costumed characters or other mutually agreed upon entertainment for a term commencing May 8, 2021 and terminating September 30, 2022 ("Term") as set forth below (the "Agreement").

Pursuant to the Agreement, the County would pay Larger than Life the following annual sums each operating season during the Term:

<u>Year</u>	<u>NTE Amount</u>
2021	\$135,000
2022	\$147,000

The total amount paid to Larger than Life will not exceed \$282,000 for the Term of the Agreement. Yearly payments are to be made in four monthly installments from May - September in each year of the Agreement.

In accordance with County procurement policy, a Request for Proposals ("RFP") was developed and published on the County website on February 6, 2020. It was also emailed directly to seven (7) organizations. Four responses were received and evaluated by a committee of various personnel from the Department. Proposers were evaluated based on their ability to offer quality shows, descriptions of proposed entertainment, proposal

presentation, overall impression and price. Although Larger than Life was not the lowest quote, its proposal met all of the specifications in the RFP while other responses did not. This, along with Larger Than Life's experience and demonstrated ability to provide quality shows made Larger Than Life's proposal the strongest. Based on those factors, the committee recommended that the proposal from Larger than Life 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 for entertainment, 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 entertainment for patrons at Playland. The County strongly believes that this entertainment package 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.

R E S O L U T I O N

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 Larger than Life Shows (“Larger than Life”), pursuant to which Larger Than Life will provide an entertainment package consisting of kiddyland shows, DJ, strolling entertainment, performers for costumed characters or other mutually agreed upon entertainment (“Agreement”) for a term commencing May 8, 2021 and terminating September 30, 2022 (“Term”) as set forth below; and, be it further

RESOLVED, that for this entertainment package, the County will pay Larger than Life during the Term based upon the annual sums each operating season as follows:

<u>Year</u>	<u>NTE Amount</u>
2021	\$135,000
2022	\$147,000;

and, be it further

RESOLVED, that the total amount paid to Larger than Life will not exceed \$282,000 for the Term; 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; and, be it further

RESOLVED, that the Agreement is subject to County 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.

Original Agreement \$282,000
 First Amendment \$
This Amendment \$ _____
 TOTAL \$282,000

Agreement #PRC-1266

Account to be
 Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars	
165	42	5520	4620		\$135,000	2021
165	42	5520	4620		\$147,000	2022

Budget Funding Year(s) 2021-2022 Start Date 05/08/2021 End Date 09/30/2022
 (must match resolution)

Funding Source Tax Dollars \$282,000

State Aid _____

\$ 282,000 Federal Aid _____

(must match resolution) Other _____