

**77979**

Date: July 21, 2020

To: The Honorable Board of Acquisition and Contract

From: Kathleen O'Connor, Commissioner  
Department of Parks, Recreation and Conservation

Re: Authority to amend an agreement with WRF Designs for the provision of restoration and repair services for the Grand Carousel ride at Playland Park, Rye, New York, in order to 1) extend the term thereof through May 31, 2021 to allow for the replacement of the carousel organ and for additional storage and repair time due to COVID-19 related delays; and 2) increase the not to exceed amount thereunder by an additional \$54,350 to compensate WRF Designs for said additional services.

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On April 26, 2018, your Honorable Board approved a resolution which authorized the County of Westchester ("County"), acting by and through its Department of Parks, Recreation and Conservation ("Department"), to enter into an agreement ("Agreement") with WRF Designs ("WRF"), pursuant to which WRF would provide restoration and repair services for the Grand Carousel ride at Playland Park, Rye, New York, for a term commencing on May 1, 2018 and terminating on April 30, 2020, for an amount not to exceed \$1,323,800.00, payable pursuant to an approved budget. The Agreement was subsequently executed.

During the restoration process performed by WRF, it was discovered that the carousel band organ was no longer useable or salvageable. A replacement antique organ needs to be purchased to fully restore the ride for use at Playland. The cost of a replacement including transportation is \$21,350. Additional insurance funds have been received to cover this cost. In addition to the organ replacement, WRF will require additional time to complete the restoration and repair work on the Grand Carousel. Their repair shop was closed for several months due to COVID-19 and this impacted their timeline for the job. Additional storage time for the ride will cost \$3,000 per month for the period starting June 2020 and ending no later than May of 2021 for a total not to exceed \$33,000.

Accordingly, authority is now requested from your Honorable Board to amend the Agreement with WRF by extending the term thereof though May 31, 2021 to allow for the replacement of the carousel organ and for additional storage and repair time due to COVID-19 related delays, and to increase the not to exceed amount thereunder by an

additional \$54,350, from an amount not-to-exceed \$1,323,800.00 to an amount not-to-exceed \$1,378,150.00, in order to compensate WRF for providing said additional services.

Authority to exempt this amendment to the Agreement from the requirements of the Westchester County Procurement Policy and Procedures pursuant to Section 3(a)xxi thereof, has been granted by your Honorable Board in accordance with a separate resolution of even date herewith.

Except as otherwise specifically amended hereby, all remaining terms and conditions set forth in the Agreement shall remain in full force and effect upon the parties.

An appropriate resolution is herewith attached for your Honorable Board's consideration.

KOC/KH/jpg  
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 07/30/2020 USA MRLAS SECRETARY

## RESOLUTION

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

**RESOLVED**, that the County of Westchester is hereby authorized to amend an agreement with WRF Designs (“WRF”), pursuant to which WRF agreed to provide restoration and repair services for the Grand Carousel ride at Playland Park, Rye, New York for a term commencing on May 1, 2018 and terminating on April 30, 2020, for an amount not to exceed \$1,323,800.00, payable pursuant to an approved budget, in order to extend the term thereof through May 31, 2021 to allow for the replacement of the carousel organ and for additional storage and repair time due to COVID-19 related delays and to increase the amount not to exceed thereunder by an additional \$54,350, from an amount not-to-exceed \$1,323,800.00 to an amount not-to-exceed \$1,378,150.00, in order to compensate WRF for providing said additional services; and be it further

**RESOLVED**, that except as otherwise specifically amended hereby, all remaining terms and conditions set forth in the Agreement shall remain in full force and effect upon the parties.

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

**RESOLVED**, that this 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 this 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 a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or 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 this 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 this Agreement upon reasonable prior written notice; and be it further

**RESOLVED**, that the County Executive or his duly authorized designee is hereby authorized to take such action and execute such documents as may be necessary and proper to effect the purposes hereof.

Original Agreement \$1,323,800.00  
 First Amendment \$ 54,350.00  
**This Amendment** \$  
 TOTAL \$1,378,150.00

Agreement # PRC-1177A

Account to be  
 Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
263	42	776V	4380	T776	\$21,350.00
165	42	1100	4998-01		\$33,000.00

Budget Funding Year(s) 2018-2021 Start Date 5/1/2018 End Date 5/31/2021  
 (must match resolution)

Funding Source Tax Dollars \_\_\_\_\_  
 State Aid \_\_\_\_\_  
\$1,378,150 Federal Aid COVID-19 (Cares Act)  
 (must match resolution) Other Trust Account – Insurance Funds

APPROVED BOARD OF ACQUISITION & CONTRACT - 01/30/2020 - LISA MRIJAJ, SECRETARY