

ID 79557

DATE: September 18, 2020

TO: Honorable Members of the Board of Acquisition & Contract

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

RE: Resolution authorizing the County of Westchester to retroactively amend an agreement with CulinArt, Inc. for the food, beverage, vending and catering concession at Playland Park in in order to reimburse CulinArt, Inc. for the purchase and installation of commercial kitchen equipment during the 2019 operating season that were outside the scope of the agreement.

On April 26, 2018, your Honorable Board approved a resolution authorizing the County of Westchester (the "County") to enter into an agreement with CulinArt, Inc. ("CulinArt") for the food, beverage, vending and catering concession at Playland Park, Rye, New York for the period of May 5, 2018 through September 30, 2019 (the "Agreement"). The Agreement was subsequently executed.

Thereafter, on August 1, 2019, your Honorable Board approved a resolution authorizing the County to amend the Agreement in order to extend the term of the Agreement through November 3, 2019, upon the same terms and conditions, in order to allow the concession stands to remain open during Halloween themed events that occurred during October, 2019. The amendment was subsequently executed.

Your Honorable Board approved a resolution on November 14, 2019, to amend the Resolution approved on August 1, 2019 to include that the license fee payable to the County shall be 18% of gross receipts for sales during the period September 21, 2019 through November 3, 2019 while all other terms and conditions of the Resolution remained in full force and effect.

During the summer of 2019, CulinArt purchased and installed commercial kitchen equipment on behalf of the County including but not limited to a walk-in freezer, grills, a thirty-six (36) inch range burner, convection ovens, ice makers, sneeze guards, and other equipment. These equipment purchases and installations were requested and approved by the County and were

outside of the scope of the Agreement. Furthermore, these improvements became and remain the sole property of the County. The total cost of the equipment purchases and installations was \$95,152.63.

The attached resolution, if approved by your Honorable Board, would authorize the County to retroactively amend the Agreement in order to reimburse CulinArt for these above described equipment purchases and installations at Playland Park during the 2019 operating season and that were outside the scope of the Agreement. Thus, the attached resolution would authorize the County to retroactively amend the Agreement to pay CulinArt \$95,152.63 for these improvements.

The goals and objectives of the Agreement and this amendment are for the public good as they allowed the County to provide quality food, refreshment, vending and catering options for patrons at Playland during the term of the Agreement. The work performed by CulinArt in accordance with this proposed amendment, in particular, protected the health and safety of Park patrons by updating the food storage, preparation and serving equipment at Playland Park. Department of Parks, Recreation and Conservation personnel tracked and monitored the Agreement and the equipment purchased and installed in accordance with the proposed amendment.

For the foregoing reasons, I respectfully request the approval of the annexed proposed Resolution.

KMO/jpi

APPROVED BOARD OF ACQUISITION & CONTRACTS - 02/24/2020 - LISA MORGAN SECRETARY

RESOLUTION

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

RESOLVED, that the County of Westchester (the "County") is hereby authorized to retroactively amend the agreement (the "Agreement") with CulinArt, Inc. ("CulinArt") for the food, beverage, vending and catering concession at Playland Park, Rye, New York for the period of May 5, 2018 through November 3, 2019, to reimburse CulinArt \$95,152.63 for certain equipment purchases and installations it performed on behalf of the County at Playland Park during the 2019 operating season, that were outside of the scope of the Agreement; and be it further

RESOLVED: that all other terms and conditions of the Agreement will remain the same; and be it further

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

Original Agreement: \$1,320,000.00
 First Amendment: \$ 3,600.00
 Second Amendment \$ (5,000.00)
 This Amendment: \$ (95,152.63)

 TOTAL: \$1,223,447.37

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
165	42	5520	4380		\$95,152.63

Budget Funding Year(s): 2018-2019 Start Date: 5/5/2018 End Date: 11/3/2019
 (must match resolution)

Funding Source Tax Dollars \$95,152.63
 State Aid _____
\$95,152.63 Federal Aid _____
 (must match resolution) Other _____