

Department of Parks, Recreation
& Conservation

85228

June 1, 2021

TO: Board of Acquisition and Contract

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

RE: Authority to enter into a license agreement with CulinArt, Inc., 175 Sunnyside Boulevard, Plainview, NY 11803, for the food, beverage, vending and catering concession at Playland Park, Rye, NY for the period June 1, 2021 through September 30, 2022.

Authority is requested of this Board for the County of Westchester ("County"), acting through its Department of Parks Recreation and Conservation (the "Department"), to enter into a license agreement with CulinArt, Inc. ("CulinArt"), 175 Sunnyside Boulevard, Plainview, NY 11803, for the food, beverage, vending and catering concession at Playland Park, Rye, NY ("Playland").

The term of the License will be from June 1, 2021 through September 30, 2022. The start and end dates for each operating season will be determined by the County.

As consideration for this license privilege, CulinArt will pay the County a percentage of gross receipts per operating season for concession, catering and vending sales at Playland as follows:

Percentage Fee for up to \$500,000
In Gross Sales per operating season
3%

Percentage Fee for Gross Sales over \$500,000
up to \$2,000,000 per operating season
10%

Percentage Fee for over \$2,000,000
In Gross Sales per operating season
15%

CulinArt will also offer a 10% discount for food service for catered affairs sponsored by any agency of the County and will also pay the County a fee not to exceed \$3,000 each operating season to cover the cost of training CulinArt's employees.

The County shall have the right to: (a) terminate this agreement on thirty (30) days notice to the Licensee, or (b) assign this Agreement in its entirety to Standard Amusements LLC.

The ultimate goal of this agreement will be for the public good as it will allow the County to continue to provide quality food, refreshment, vending and catering options for patrons at Playland which should have a positive impact on the overall business and operation of Playland. The County will also benefit through revenue generated by the concession operation. The objective of this agreement will be tracked and monitored by observations and interactions with staff and site visits.

The Westchester County Procurement Policy does not apply to concessions pursuant to Section 3(b) thereof, and, therefore, does not apply to this license agreement.

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

APPROVED BOARD OF ACQUISITION & CONTRACT - 06/03/2021 - LISA MRIJAL SECRETARY

RESOLUTION

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

RESOLVED, that the County of Westchester (“County”), acting through its Department of Parks Recreation and Conservation (the “Department”), is authorized to enter into a license agreement with CulinArt, Inc. (“CulinArt”), 175 Sunnyside Boulevard, Plainview, NY 11803, for the food, beverage, vending and catering concession at Playland Park, Rye, NY (“Playland”); and be it further

RESOLVED, that the term of the License will be from June 1, 2021 through September 30, 2022; and be it further

RESOLVED, that for this license privilege, CulinArt will pay the County a percentage of the gross receipts per operating season as follows:

Percentage Fee for Gross Sales
up to \$500,000 per operating season
3%

Percentage Fee for Gross Sales over \$500,000
up to \$2,000,000 per operating season
10%

Percentage Fee for Gross Sales
over \$2,000,000 per operating season
15%; and be it further

RESOLVED, that the County shall have the right to: (a) terminate this agreement on thirty (30) days notice to Culinart, Inc., or (b) assign this Agreement in its entirety to Standard Amusements LLC.; and be it further

RESOLVED, that during the term of this License, food service for catered affairs sponsored by any agency of the County at Playland will be given a 10% discount; and be it further

RESOLVED, that CulinArt shall pay the County fee not to exceed \$3,000 each operating season to cover the cost of training CulinArt’s employees; 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.

Original Agreement \$ **591,000**
 First Amendment \$
This Amendment \$ _____
 TOTAL \$ 591,000

Agreement # PRC-1319

Account to be
 Charged/Credited

| Fund | Dept | Major Program, Program & Phase Or Unit | Object/ Sub- Object | Trust Account | Dollars | |
|------|------|--|------------------------|------------------|------------|------|
| 165 | 42 | 5520 | 9205 | | \$188,000* | 2021 |
| 165 | 42 | 5520 | 9205 | | \$403,000* | 2022 |
| | | | | | | |
| | | | | | | |

*Estimated

Budget Funding Year(s) 2021-2022 Start Date 6-1-20 End Date 9-30-22
 (must match resolution)

Funding Source Tax Dollars _____

State Aid _____

\$ 591,000 Federal Aid _____

(must match resolution)

Other Estimated Revenue _____

APPROVED BOARD OF ACQUISITION CONTRACT - 06/03/2021 - USA MARIJAJ, SECRETARY