

OnBase #111414

TO: Board of Acquisition and Contract

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

DATE: July 2, 2025

SUBJECT: Authority to enter into a license agreement with Zamperla, Inc. for it to provide and place the Dragonator ride at Playland Park ("Playland") located in Rye, New York for a term commencing upon execution of the agreement and expiring ninety (90) days after the last day of the 2025 operating season or December 31, 2025, whichever occur first, and grant the County the option in its sole discretion to purchase the Ride for an amount of \$575,000.

The attached Resolution requests authority for the County of Westchester (the "County") to enter into a revenue share license agreement (the "Agreement") with Zamperla, Inc. ("Zamperla") whereby Zamperla will provide and place the Dragonator ride (the "Ride") at Playland Park located in Rye, New York ("Playland") and grant the County the option in its sole discretion to purchase the Ride for an amount not to exceed \$575,000.

The term of this Agreement shall commence upon execution and expire ninety (90) days after the last day of the 2025 operating season or December 31, 2025, whichever occurs first, unless sooner terminated.

As consideration for the County granting the Licensee the right to place the Dragonator at Playland and for the Licensee granting the County the right to operate the Ride, the County will pay Zamperla a flat license fee of Ten Thousand (\$10,000) Dollars for the 2025 operating season to be paid ½ upon execution of the Agreement and ½ on or about September 15, 2025 subject to the Licensee submitting an invoice to the County for such amount.

The County will be responsible for operation of the Ride. The County will also be responsible for routine maintenance and repair of the Ride that is common, regular and typically expected of the Ride.

Zamperla will provide at its sole cost the Ride. Zamperla, on demand of the County, will install all further equipment, which is not a routine maintenance or repair and is reasonably necessary for the safe and proper operation of the Ride and shall make full payment for the same.

The County also seeks authority to indemnify and defend the Zamperla as follows:

The County agrees, (a) that except for the amount, if any, of damage contributed to, caused by, or resulting from the negligence of the Zamperla, the County shall indemnify and hold harmless the Zamperla, its officers, employees, agents, and elected officials from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorney's fees or loss arising out of the negligent acts or omissions of the County, its officers, employees or agent's in connection with the operation or routine maintenance of the Ride; and

(b) to provide defense for and defend, at its sole expense, any and all claims, demands or causes of action resulting from the negligence of the County arising out of this Agreement and to bear all other costs and expenses related thereto.

Resolution is exempt from the Westchester County Procurement Policy and Procedures pursuant to Section 3(b) thereof.

Accordingly, I most respectfully recommend the adoption of the annexed proposed resolution.

KO/ran
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 07/03/2025 - RAYMOND GOULY, SECRETARY

RESOLUTION

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

RESOLVED, that the County of Westchester (the "County") is hereby authorized to enter into a license agreement (the "Agreement") with Zamperla, Inc. ("Zamperla") for Zamperla to provide and place the Dragonator ride (the "Ride") at Playland Park located in Rye, New York ("Playland") and grant the County the option in its sole discretion to purchase the Ride for \$575,000; and be it further

RESOLVED, that the term of the Agreement shall commence upon execution and expire ninety (90) days after the last day of the 2025 operating season or December 31, 2025, whichever occurs first, unless sooner terminated; and be it further

RESOLVED, as consideration for the County granting Zamperla the right to place the Dragonator at Playland and for Zamperla granting the County the right to operate the Ride, the County will pay Zamperla a flat license fee of Ten Thousand (\$10,000) Dollars for the 2025 operating season to be paid $\frac{1}{2}$ upon execution of the Agreement and $\frac{1}{2}$ on or about September 15, 2025 subject to the Zamperla submitting an invoice to the County for such amount; and be it further

RESOLVED, that the County will be responsible for operation of the Ride and for the routine maintenance and repair of the Ride that is common, regular and typically expected of the Ride; and be it further

RESOLVED, that Zamperla will provide at its sole cost the ride, and shall be responsible to install all further equipment, which is not a routine maintenance or repair, and is reasonably necessary for the safe and proper operation of the Ride, and shall make full payment for same; and be it further

RESOLVED, that the County shall have the option to purchase the Ride during the term of the Agreement for the sum of \$575,000.00 through the County Bureau of Purchase and Supply; and be it further

RESOLVED, that the County is authorized to indemnify Zamperla as follows:

The County agrees, (a) that except for the amount, if any, of damage contributed to, caused by, or resulting from the negligence of the Licensee, the County shall indemnify and hold harmless the Licensee, its officers, employees, agents, and elected officials from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorney's fees or loss arising out of the negligent acts or omissions of the County, its officers, employees or agent's in connection with the operation or routine maintenance of the Ride; and

(b) to provide defense for and defend, at its sole expense, any and all claims, demands or causes of action resulting from the negligence of the County arising out

of this Agreement and to bear all other costs and expenses related thereto; 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.

PRC-1472

Account to be

Charged/Credited

| Fund | Dept | Major Program, Program & Phase Or Unit | Object/ Sub-Object | Trust Account | Dollars |
|------|------|----------------------------------------------|-----------------------|------------------|----------|
| 165 | 42 | 5520 | 4380 | | \$10,000 |
| | | | | | |
| | | | | | |

Budget Funding Year(s): 2025 Start Date: upon execution End Date: 12/31/2025

(must match resolution)

Funding Source

\$10,000

(must match resolution)

Tax Dollars: X

State Aid:

Federal Aid:

Other: