

**ID 95762**

August 29, 2022

TO: Board of Acquisition and Contract

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

RE: AUTHORITY TO TERMINATE THE EXISTING LICENSE AGREEMENT WITH HOMESTYLE AT WESTCHESTER COUNTY CENTER, INC, 677 COMMERCE STREET, THORNWOOD, NY 10594 FOR THE FOOD, BEVERAGE AND CATERING CONCESSION AT THE WESTCHESTER COUNTY CENTER, EFFECTIVE DECEMBER 31, 2022, AND ENTER INTO A NEW LICENSE AGREEMENT WITH HOMESTYLE FOR A TERM COMMENCING JANUARY 1, 2023 AND TERMINATING DECEMBER 31, 2027, WITH THE SOLE OPTION OF THE COUNTY TO EXTEND THE AGREEMENT FOR THE PERIOD OF JANUARY 1, 2028 THROUGH DECEMBER 31, 2032 AT THE LISTED TERMS.

Homestyle at Westchester County Center, Inc. ("Homestyle") has been operating the food, beverage and catering concession at the Westchester County Center since January 1, 2015 when it was awarded the food, catering and vending concession at the County Center, in response to a request for proposals. Subsequently, Homestyle was awarded a new five-year agreement with a five-year option and agreed to make improvements valued at \$85,000 commencing January 1, 2020.

In March of 2020, the U.S. Army Corps of Engineers converted the County Center and the west parking lot into an emergency hospital in response to the COVID-19 pandemic. Under an agreement with the State of New York, the County Center was also used as a COVID-19 testing facility and later as a COVID-19 vaccination site. As a result of the above and impact of the pandemic, all scheduled events and activities at the County Center were immediately cancelled. These cancellations significantly affected Homestyle's sales, which in turn made it more difficult for them to pay the license fee.

Accordingly, authority is now requested to terminate the existing food, beverage and catering concession agreement with Homestyle, effective December 31, 2022, and enter into a new agreement for the period of January 1, 2023 through December 31, 2027, with the sole option of the County to extend the agreement from January 1, 2028 through December 31, 2032.

As consideration for this license privilege, Homestyle will pay the County of Westchester a minimum license fee or a percentage of the gross receipts, whichever is greater, for concession, catering and vending sales at the Westchester County Center as follows:

<u>Period</u>	<u>Minimum License Fee</u>	<u>Percentage of Gross Sales License Fee</u>
1/1/23-12/31/23	\$135,000	20%
1/1/24-12/31/24	\$136,000	20%
1/1/25-12/31/25	\$137,000	20%
1/1/26-12/31/26	\$138,000	20%
1/1/27-12/31/27	\$139,000	20%

In addition, Homestyle shall also offer a discount of 25% for food service for catered events sponsored by any agency of the County of Westchester.

Homestyle shall also provide food and related services to the Department of Parks, Recreation and Conservation as follows:

<u>Period</u>	<u>Food and Related Services</u>
1/1/23-12/31/23	\$15,000
1/1/24-12/31/24	\$15,000
1/1/25-12/31/25	\$15,000
1/1/26-12/31/26	\$15,000
1/1/27-12/31/27	\$15,000

The County may, at its sole option, extend the license agreement for the period of January 1, 2028 through December 31, 2032.

If, at its sole option, the County extends the license, in consideration for this license privilege, Homestyle will pay to the County a minimum license fee or a percentage of the gross receipts, whichever is greater, for concession, catering and vending sales at the Westchester County Center as follows:

<u>Period</u>	<u>Minimum License Fee</u>	<u>Percentage of Gross Sales License Fee</u>
1/1/28-12/31/28	\$140,000	20%
1/1/29-12/31/29	\$141,000	20%
1/1/30-12/31/30	\$142,000	20%
1/1/31-12/31/31	\$143,000	20%
1/1/32-12/31/32	\$144,000	20%

In addition, Homestyle shall also offer a discount of 25% for food service for catered events sponsored by any agency of the County of Westchester during the option period.

Homestyle shall also provide food and related services to the Department of Parks, Recreation and Conservation during the option period as follows:

<u>Period</u>	<u>Food and Related Services</u>
1/1/28-12/31/28	\$15,000
1/1/29-12/31/29	\$15,000
1/1/30-12/31/30	\$15,000
1/1/31-12/31/31	\$15,000
1/1/32-12/31/32	\$15,000.

The goal and objective of this agreement is to allow the County to provide quality food, refreshment and catering options for patrons at the Westchester County Center. This agreement promotes fiscal responsibility as the County will benefit through the revenue generated.

The objective of this agreement will be monitored through revenue reports and site visits from Parks, Recreation and Conservation staff members.

This agreement is exempt from the County's procurement policy pursuant to Section 3 (b).

A Resolution is attached for your favorable consideration.

## RESOLUTION

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

**RESOLVED**, that the County of Westchester is authorized to terminate the existing license agreement with Homestyle at the Westchester County Center, Inc. ("Homestyle"), 677 Commerce Street, Thornwood, NY 10594 for the operation of the food, beverage and catering concession at the Westchester County Center, White Plains, New York, effective December 31, 2022, and enter into a new license agreement with Homestyle for the operation of the food, beverage and catering concession, for a term commencing January 1, 2023 and terminating December 31, 2027; and be it further

**RESOLVED**, that for this license privilege, Homestyle shall pay to the County, a minimum license fee or a percentage of the gross receipts, whichever is greater, for concession, catering and vending sales at the Westchester County Center as follows:

<u>Period</u>	<u>Minimum License Fee</u>	<u>Percentage of Gross Sales License Fee</u>
1/1/23-12/31/23	\$135,000	20%
1/1/24-12/31/24	\$136,000	20%
1/1/25-12/31/25	\$137,000	20%
1/1/26-12/31/26	\$138,000	20%
1/1/27-12/31/27	\$139,000	20%; and be it further

**RESOLVED**, that Homestyle shall also provide food and related services to the Department of Parks, Recreation and Conservation during the term of the agreement as follows:

<u>Period</u>	<u>Food and Related Services</u>
1/1/23-12/31/23	\$15,000
1/1/24-12/31/24	\$15,000
1/1/25-12/31/25	\$15,000
1/1/26-12/31/26	\$15,000
1/1/27-12/31/27	\$15,000; and be it further

**RESOLVED**, that during the term of this License, food service for catered affairs sponsored by any agency of the County of Westchester at the County Center will be given a 25% discount; and be it further

**RESOLVED**, that the County, at its sole option, may extend the agreement for the period of January 1, 2028 through December 31, 2032; and be it further

**RESOLVED**, that if the County, at its sole option, extends the agreement for the period of January 1, 2028 through December 31, 2032, Homestyle shall pay to the County for this privilege, a minimum license fee or a percentage of the gross receipts, whichever is greater, for concession, catering and vending sales at the Westchester County Center as follows:

<u>Period</u>	<u>Minimum License Fee</u>	<u>Percentage of Gross Sales License Fee</u>
1/1/28-12/31/28	\$140,000	20%
1/1/29-12/31/29	\$141,000	20%
1/1/30-12/31/30	\$142,000	20%
1/1/31-12/31/31	\$143,000	20%
1/1/32-12/31/32	\$144,000	20%; and be it further

**RESOLVED**, that Homestyle shall also provide food and related services to the Department of Parks, Recreation and Conservation during the option period as follows:

<u>Period</u>	<u>Food and Related Services</u>
1/1/28-12/31/28	\$15,000
1/1/29-12/31/29	\$15,000
1/1/30-12/31/30	\$15,000
1/1/31-12/31/31	\$15,000
1/1/32-12/31/32	\$15,000; and be it further

**RESOLVED**, that during the option period, food service for catered affairs sponsored by any agency of the County of Westchester at the County Center will be given a 25% discount; and be it further

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

Original Agreement	\$685,000
First Amendment	\$
<b>This Amendment</b>	<b>\$</b>
TOTAL	\$685,000

Agreement #PRC-1384

Account to be  
Charged/Credited

Fund	Dept	Major Program, Program & Phase  Or Unit	Object/ Sub-Object	Trust Account	Dollars	
165	42	7150	9246		\$135,000	2023
165	42	7150	9246		\$136,000	2024
165	42	7150	9246		\$137,000	2025
165	42	7150	9246		\$138,000	2026
165	42	7150	9246		\$139,000	2027

Budget Funding Year(s) **2023-2027** Start Date **1/1/2023** End Date **12/31/2027**  
(must match resolution)

Funding Source Tax Dollars \_\_\_\_\_

State Aid \_\_\_\_\_

**\$685,000** Federal Aid \_\_\_\_\_

(must match resolution)

Other REVENUE