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COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

October 9, 2012

Erie County Legislature
92 Franklin Street – Fourth Floor
Buffalo, New York 14202

IMMEDIATE CONSIDERATION REQUSTED

Re: Rath Building – Cafeteria Contract
Rath Building and 92 Franklin Street – Dry Snack Stands

Dear Honorable Members:

The Erie County Department of Public Works is requesting authorization to award contracts to vendors to provide food service in the Rath Building Cafeteria (Lessing's Food Service) and for management and operation of Dry Snack Stands located on the first floors of 92 and 95 Franklin Street, respectively (New York Office of Children & Family Services, Commission for the Blind and Visually Handicapped, Business Enterprise Program, Child & Family Services).

Should your Honorable Body require any further information, I encourage you to contact Commissioner John C. Loffredo of the Department of Public Works. Thank you for your consideration on this matter.

Sincerely,

Mark C. Poloncarz, Esq.
Erie County Executive

Enclosure
MCP/tc

cc: John C. Loffredo, Dept of Public Works

MEMORANDUM

TO:	Honorable Members of the Erie County Legislature
FROM:	Department of Public Works
RE:	Rath Building - Cafeteria Contract Rath Building and 92 Franklin Street - Dry Snack Stands
DATE:	October 3, 2012

SUMMARY

The Department of Public Works is seeking authorization to award the following contracts:

- Lessing's Food Service ("Lessing's") for management and operation of the Rath Building Cafeteria located on the sixth floor of 95 Franklin Street; and

- New York Office of Children & Family Services, Commission for the Blind and Visually Handicapped, Business Enterprise Program ("Child & Family Services"), for management and operation of Dry Snack Stands located on the first floors of 92 and 95 Franklin Street, respectively.

FISCAL IMPLICATIONS

The County will receive nominal revenue from the new vendor providing cafeteria services and will continue to receive no revenue from the snack stands. Lessing's is proposing to pay the County the same monthly rental rate as the current cafeteria operator at $400/month. Child & Family Services is proposing to continue the current arrangement with no rental fee to manage and operate the Dry Snack Stands.

REASONS FOR RECOMMENDATION

Lessing's proposal was the sole response to the Request for Proposals regarding management and operation of the Rath Building Cafeteria.

In the past, it has been your Honorable Body's policy to continue the no-cost arrangement with Children & Family Services to manage and operate both Dry Snack Stands located at 92 and 95 Franklin Street (Old County Hall and the Rath Building).

Immediate consideration is being requested in order to minimize a lapse in services to County employees as well as the general public traversing County buildings. The Cafeteria will need to close during the transition of vendors. Currently, the Cafeteria Operator is scheduled to cease operation on October 31, 2012. At that time, Lessing's will install new equipment as well as undertake minor renovations. Due to the needed improvements, the Cafeteria is slated to re-open between mid to late December 2012.

Additionally, the Request for Proposals indicated a lease term for two (2) years with an option to renew for two (2) years. Lessing's has requested a five (5) year term with an option to renew for five (5) years. As a result of the improvements and renovations scheduled to be made by Lessing's, the committee has agreed that it is in the best interest of the County to agree to the longer lease term.

CONSEQUENCES OF NEGATIVE ACTION

The Rath Building Cafeteria as well as the aforementioned Dry Snack Stands operated by Child & Family Services will be forced to close. The services will no longer be available to County employees or the general public.

STEPS FOLLOWING APPROVAL

The Department of Public Works will work with the Law Department to prepare and issue contracts.

A RESOLUTION SUBMITTED BY DEPARTMENT OF PUBLIC WORKS

RE: Rath Building Cafeteria and
Dry Snack Stands – 92 and 95 Franklin Streets

WHEREAS, the leases for the Rath Building's sixth floor Cafeteria and the Dry Snack Stands located on the first floors of both 92 and 95 Franklin Street have expired; and

WHEREAS, the Erie County Department of Public Works and the Division of Purchase issued a Request for Proposals for the management and operation of the Rath Building's Sixth Floor Cafeteria; and

WHEREAS, Lessing's Food Service was the sole proposal received; and

WHEREAS, a committee of Department of Public Works and Purchasing Division officials reviewed their proposal and interviewed Lessing's Food Service officials; and

WHEREAS, it is the committee's recommendation that it is in the best interest of the County to accept Lessing's Food Service proposal and allow for the proposed renovations; and

WHEREAS, the committee has agreed that it is in the best interest of the County to accept the longer lease term of five (5) years with an option to renew for (5) years as proposed by Lessing's Food Service; and

WHEREAS, it has been the Legislature's policy to continue the no cost arrangement with the New York Office of Children & Family Services, Commission for the Blind and Visually Handicapped, Business Enterprise Program, to manage and operate the Dry Snack Stands located on the First Floors at both 92 and 95 Franklin Street.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized, and is hereby directed, to execute contracts between Erie County and Lessing's Food Service for the management and operation of the Rath Building sixth floor Cafeteria as well as Erie County and the New York Office of Children & Family Services, Commission for the Blind and Visually Handicapped, Business Enterprise Program to manage and operate the Dry Snack Stands located on the first floors at both 92 and 95 Franklin Street; and be it further

RESOLVED, that Lessing's Food Service rental fee for the Cafeteria shall be $400 dollars per month; and be it further

RESOLVED, that Lessing's Food Service lease term shall be for five (5) years with an option to renew for five (5) years; and be it further

RESOLVED, that there shall be no rental fee for the New York Office of Children & Family Services, Commission for the Blind and Visually Handicapped, Business Enterprise Program to manage and operate the Dry Snack Stands; and be it further

RESOLVED, that the lease term for the New York Office of Child & Family Services, Commission for the Blind and Visually Handicapped, shall be for five (5) years with an option to renew for five (5) years; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this resolution to the County Executive; the Office of the Comptroller; the County Attorney; the Division of Budget and Management; Purchasing Division and the Department of Public Works.