

**RESOLUTION NO. 218**

**AUTHORIZING AN AGREEMENT WITH FACILITY MERCHANDISING, INC. REGARDING MERCHANDISE CONCESSIONS AT THE CIVIC CENTER**

Introduced: 6/9/08

By Civic Center Committee:

WHEREAS, The Manager of the Times Union Center after a RFP process, has requested authorization to enter into an agreement with Facility Merchandising, Inc. regarding merchandise and publication concessions services at the Civic Center, and

WHEREAS, The agreement, for a three-year term beginning June 1, 2008 and ending May 31, 2011 with a three-year renewal option would give Facility Merchandising, Inc. exclusive rights to operate all non-consumable merchandise and publication concessions at the Times Union Center, and

WHEREAS, Facility Merchandising, Inc. in return has agreed to pay the County a commission equaling 57% of net receipts up to \$1.5 million and 58% on net receipts over \$1.5 million with a bonus of \$20,000 on cumulative yearly gross receipts on sales of \$1 million, a prorated bonus of \$25,000 on the next \$1 million and a \$48,000 prorated bonus on the next \$1 million, and

WHEREAS, The agreement also requires Facility Merchandising, Inc. to pay bonuses within thirty days of reaching each level of sales, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into an agreement with Facility Merchandising, Inc., 5959 Topanga Cyn. Blvd., Suite 125, Woodland Hills, CA for merchandise and publication concessions services at the Times Union Center for a term beginning June 1, 2008 and ending May 31, 2011 with a three-year renewal option, in accordance with the submitted proposal and the above-mentioned conditions, and, be it further

RESOLVED, That the County Attorney is authorized to approve said agreement as to form and content, and, be it further

RESOLVED, That the Clerk of the Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

*Adopted by unanimous vote. 6/9/08*