

38407

February 11, 2014

**TO:** The Honorable Board of Acquisition and Contract

**FROM:** Kevin J. Plunkett  
Deputy County Executive

**RE:** **Authority to enter into an agreement with The Westchester Arts Council, Inc., d/b/a ArtsWestchester (“ArtsWestchester”) pursuant to which ArtsWestchester will provide its “Maintain Cultural Services” program for the period January 1, 2014 through December 31, 2014, in an amount not to exceed \$200,000.00**

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The attached Resolution, if approved by your Honorable Board, would authorize the County of Westchester (the “County”) to enter into an agreement with Westchester Arts Council, Inc. d/b/a ArtsWestchester (“ArtsWestchester”), pursuant to which ArtsWestchester will provide its “Maintain Cultural Services” program. Pursuant to the program, ArtsWestchester will support the county’s goal of maintaining its image as a desirable place to live and work by fostering a vibrant cultural milieu. ArtsWestchester will contract with various cultural organizations to provide County residents with new or expanded cultural services. As administrator of the program, ArtsWestchester will identify various organizations to qualify as participating cultural organizations, and issue them a request for proposals. ArtsWestchester will oversee the selection process and oversee contract compliance and performance evaluation. ArtsWestchester may use subcontractors to assist it in carrying out the work, provided that all subcontractors must be approved in writing by the County Executive, or his duly authorized designee.

The term of this Agreement will be January 1, 2014 through December 31, 2014, in an amount not to exceed Two Hundred Thousand (\$200,000.00) Dollars, payable in two (2) installments, half upon contract execution and half upon Westchester County’s receipt and acceptance of an interim report due on or before December 15, 2014. A final report is due on or before February 15, 2015.

This Agreement is exempt from the requirements of the Westchester County Procurement Policy and Procedures pursuant to Sections 3(a)xiii thereof.

The goals and objectives of this agreement are to enable at least twenty-nine (29) cultural organizations representing a variety of disciplines to continue to provide Westchester residents with affordable cultural programs, events and activities, and to enable Westchester's cultural organizations collectively to raise at least \$180,000 in new money toward providing these services

Accordingly, I recommend and urge your Honorable Board's approval of the annexed Resolution.

KJP/jpi

APPROVED BOARD OF ACQUISITION & CONTRACT - 02/27/2014 - JOMAR VIEIRA, SECRETARY

## RESOLUTION

Upon a communication from the Deputy County Executive, be it hereby

**RESOLVED**, that the County of Westchester (the "County") is authorized to enter into an agreement with the Westchester Arts Council, Inc. d/b/a ArtsWestchester ("ArtsWestchester") pursuant to which ArtsWestchester will provide its "Maintain Cultural Services" program for the purpose of supporting the arts in the County for the term January 1, 2014 through December 31, 2014, in an amount not to exceed Two Hundred Thousand (\$200,000.00) Dollars, payable in two (2) equal installments, the first upon execution of this Agreement by both parties and the approval of the same by the Office of the County Attorney, and the second installment upon submission and acceptance of an interim report due on or before December 15, 2014. A final report is due on or before February 15, 2015, and be it further

**RESOLVED**, that ArtsWestchester may use subcontractors to assist it in carrying out the terms of this Agreement, provided that such subcontractors shall be approved by the County Executive or his duly authorized designee in writing, and be it further

**RESOLVED**, that the Agreement is subject to County appropriations; and be it further

**RESOLVED**, that the Agreement is also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate the Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Service Provider, then the Service Provider shall have the right to terminate the Agreement upon reasonable prior written notice; and be it further

**RESOLVED**, that the County Executive, or his authorized designee, is hereby authorized to execute any documents and take any actions reasonably necessary and appropriate to effectuate the purposes of this Resolution.

Account to be  
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars
101	52	2010	5100		\$200,000

Budget Funding Year(s) 2014 Start Date 1/1/14 End Date 12/31/14

(must match resolution)

Funding Source

Tax Dollars \$200,000

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

**\$ 200,000**

Federal Aid \_\_\_\_\_

(must match resolution)

Other \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT - 02/27/2014 - JOMARY VIEIRA, SECRETARY