

George Latimer
County Executive

Natasha Caputo
Director
Tourism & Film

65634

To: Honorable Members of the Board of Acquisition and Contract

From: Natasha Caputo
Director of Tourism & Film

Date: October 22, 2018

Re: Authority to further amend an agreement with Fifteen Degrees, LLC pursuant to which Fifteen Degrees, LLC agreed to provide a digital marketing and media plan to promote tourism in Westchester County for a term commencing on August 15, 2016 and terminating on July 31, 2018 in an amount not-to-exceed \$412,000.00, by 1) extending the term of the contract through October 31, 2018; and 2) increasing the not-to-exceed amount thereunder by an additional \$13,000.00, to pay for additional media buying services during the extension period.

By resolution approved on September 8, 2016 (the "September 8th Resolution"), your Honorable Board authorized the County of Westchester (the "County"), acting by and through its Office of Tourism & Film ("WCOTF"), to enter into an agreement with Fifteen Degrees, LLC ("Fifteen Degrees"), pursuant to which Fifteen Degrees would create and implement a digital marketing and media plan to promote tourism in Westchester County, for a term commencing on August 15, 2016 and terminating on May 31, 2018, for an amount not-to-exceed Four Hundred Thousand Dollars (\$400,000.00), payable pursuant to an approved budget and subject to County appropriations (the "Agreement"). The September 8th Resolution further authorized the County, at its sole option, to extend the term of the Agreement for up to two (2) additional one (1) year periods, on the same terms and conditions, including price proposal, as agreed to by the parties for the initial term. The Agreement was subsequently executed.

Thereafter, by resolution approved on December 27, 2017 (the "December 27th Resolution"), your Honorable Board authorized the County to extend the term of the Agreement through December 31, 2018 and to increase the not-to-exceed amount thereunder by an additional \$25,000.00, from an amount not-to-exceed \$400,000.00 to a new amount not-to-exceed \$425,000.00 (the "First Amendment").

Following approval of the December 27th Resolution, but prior to execution of the First Amendment, WCOTF determined that, since it would be issuing a new RFP for these services earlier than expected, the contract with Fifteen Degrees would only need to be extended through July 31, 2018 and the amount payable for such additional services would only need to be increased by \$12,000.00. Since the new terms were within the scope of the authority granted by the December 27th Resolution, the First Amendment was thereafter executed incorporating the new terms.

WCOTF recently issued the RFP to procure digital media and marketing services going forward and is currently in the process of evaluating and reviewing proposals. However, due to various circumstances beyond WCOTF's control, a new contract award will likely not take place until November at the earliest. Since it would benefit the County to maintain the continuity of its tourism digital media and marketing efforts during this period, including media buying services, WCOTF now seeks to further amend the Agreement with Fifteen Degrees in order to extend the term thereof for an additional three (3) months, from August 1, 2018 through October 31, 2018. In addition, in order to have sufficient funding available to pay Fifteen Degrees for additional media buying services rendered during this period, it will also be necessary to increase the not-to-exceed cap by an additional \$13,000.00.

It should be noted that although the authority granted by the December 27th Resolution authorized the County to extend the term of the Agreement through December 31, 2018 and increase the not-to-exceed amount thereunder by an additional \$25,000.00, by executing the First Amendment for an extension term and not-to-exceed amount *less than* the full authority granted under the Resolution, WCOTF forfeited its right to rely on such authority and must now seek approval from your Honorable Board to further amend the Agreement based on the actual terms contained in the First Amendment. Accordingly, authority is respectfully requested to further amend the Agreement with Fifteen Degrees for the provision of a digital marketing and media plan to promote tourism in Westchester County, by extending the term of the contract through October 31, 2018 and by increasing the not-to-exceed amount thereunder by an additional \$13,000.00, from an amount not-to-exceed \$412,000.00 to a new amount not-to-exceed \$425,000.00, to pay for additional media buying services during the extension period.

The proposed amendment to the Agreement will serve a public purpose by promoting tourism in the County, thereby stimulating the local economy by bringing both leisure and business visitors into the County to patronize our local attractions, hotels, and restaurants. The goals and objectives of this proposed amendment to the Agreement will be to promote the County as a tourist and business destination. The goals and objectives are in the best interests of the County in terms of fiscal responsibility because the digital marketing and media plan will increase tourism in the County and bring more tourist dollars into the local economy. The goals and objectives will be tracked and monitored by the number of inquiries to the Office of Tourism & Film, the number of clicks on websites, media impressions and the number of leads.

Except as specifically amended hereby, all remaining terms and conditions set forth in the Agreement, as previously amended, shall remain in full force and effect.

Accordingly, your favorable action on the annexed Resolution is most respectfully urged and recommended.

NC/jpg

RESOLUTION

Upon a communication from the Director of Tourism & Film, be it hereby:

RESOLVED, that the County of Westchester (the "County") is authorized to amend an agreement with Fifteen Degrees, LLC ("Fifteen Degrees"), as previously amended, pursuant to which Fifteen Degrees agreed to create and implement a digital marketing and media plan to promote tourism in Westchester County, for a term commencing on August 15, 2016 and terminating on July 31, 2018, for an amount not-to-exceed \$412,000.00, payable pursuant to an approved budget (the "Agreement"), by 1) extending the term thereof through October 31, 2018; and 2) increasing the not-to-exceed amount thereunder by an additional \$13,000.00, from an amount not-to-exceed \$412,000.00, to a new amount not-to-exceed \$425,000.00, payable pursuant to an approved budget, to pay for additional media buying services to be rendered during the extension period; and be it further

RESOLVED, that except as otherwise specifically amended hereby, all remaining terms and conditions set forth in the Agreement, as previously amended, shall remain in full force and effect upon the parties; and be it further

RESOLVED, that the County Executive or his duly authorized designee be hereby authorized and empowered to execute any and all instruments necessary and proper to accomplish the purposes of this Resolution.

Account to be Charged/credited	Fund	Agency	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
	263	11	T432	4250	432T	\$3,000
	263	11	T507	4250	507T	\$10,000

Budget Funding Year(s) 2018 Start Date 8-01-18 End Date 10-31-18

Tax Dollars: _____ -0- _____
 State Aid: _____ \$3,000 _____
 Federal Aid: _____ -0- _____
 Other: _____ \$ 10,000 Hotel tax _____