



8624

Date: March 31, 2010

To: Honorable Board of Acquisition and Contract

From: Hon. Kenneth W. Jenkins, Chairman  
Westchester County Board of Legislators

Re: **Authority to enter into an agreement with the Westchester Arts Council, Inc. ("WAC"), pursuant to which WAC will provide space at its Arts Exchange Building for rehearsals and other cultural activities to not-for-profit cultural groups and other cultural programs at no charge, for the period of August 1, 2010 to July 31, 2011, in an amount not to exceed \$35,000.**

The attached Resolution, if approved by your Honorable Board, would authorize the County of Westchester (the "County") to enter into an agreement with the Westchester Arts Council, Inc. ("WAC"), pursuant to which WAC will provide space at its Arts Exchange Building for rehearsals and other cultural activities to not-for-profit cultural groups and other cultural programs at no charge, for the period of July 1, 2010 to June 30, 2011, in an amount not to exceed \$35,000. WAC may use subcontractors to assist it in carrying out the program provided that all subcontractors are approved in writing by the Chairman of the Board of Legislators.

WAC will provide space for rehearsals and other cultural activities to not-for-profit cultural groups and other cultural programs at no charge. WAC will manage, schedule and document the use of the spaces by the not-for-profit cultural and community groups in its facility, the Arts Exchange Building.

The objective of the Agreement is in the County's best interest because it will enable the County's not-for-profit cultural organizations that lack their own facilities to find free, appropriate space that will be available on a regular basis, for rehearsals and cultural activities serving young people, seniors and other populations. The success of the Program will be WAC providing at least six hundred (600) hours of rehearsal time for at least one (1) not-for-profit cultural group and at least five (5) additional not-for-profit

cultural groups serving at least 1,000 people. The Agreement's progress shall be tracked by direct reporting of the results to the County by WAC.

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

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

KWJ/jpi

APPROVED BOARD OF ACQUISITION & CONTRACT - 5-27-2010 - JOMARY VIEIRA, SECRETARY

## RESOLUTION

Upon a communication from the Chairman of the Westchester County Board of Legislators, be it hereby

**RESOLVED**, that the County of Westchester (the "County") is hereby authorized to enter into an agreement (the "Agreement") with the Westchester Arts Council, Inc. ("WAC"), pursuant to which WAC will provide space at its Arts Exchange Building for rehearsals and other cultural activities to not-for-profit cultural groups and other cultural programs at no charge, for the period of August 1, 2010 to July 31, 2011, in an amount not to exceed \$35,000, payable in full upon full execution of the Agreement, and if subcontractors are used, they must be approved in writing by the Chairman of the Board of Legislators, 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 Chairman of the Westchester County Board of Legislators, 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		\$35,000

Budget Funding Year(s) 2010 Start Date 8/1/10 End Date 7/31/11  
(must match resolution)

Funding Source Tax Dollars \$35,000

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

**\$ 35,000** Federal Aid \_\_\_\_\_

(must match resolution)

Other \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT - 5-27-2010 - JOMARY VEIRA, SECRETARY