

**11172**

Date: May 4, 2010

To: Honorable Board of Acquisition and Contract

From: Hon. Kenneth W. Jenkins, Chairman  
Westchester County Board of LegislatorsRe: **Authority to enter into an agreement with The Westchester Arts Council, Inc., d/b/a ArtsWestchester ("WAC") pursuant to which WAC will provide its "Maintain Cultural Services" program for the period of July 1, 2010 through March 31, 2011, in an amount not to exceed \$200,000.00**

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 ("WAC"), pursuant to which WAC will provide its "Maintain Cultural Services" program. Pursuant to the program, WAC will support the county's goal of maintaining its image as a desirable place to live and work by fostering a vibrant cultural milieu. WAC will contract with various cultural organizations to provide County residents with new or expanded cultural services. As administrator of the program, WAC will identify various organizations to qualify as participating cultural organizations, and issue to them a request for proposals. WAC will oversee the selection process and contract compliance and evaluate performance. WAC may use subcontractors to assist in carrying out the work, provided that all subcontractors are approved in writing by the Chairman of the Board of Legislators.

The term of this Agreement will be from July 1, 2010 through March 31, 2011, 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 January 31, 2011.

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 cultural organizations collectively to match at least \$200,000 in new money toward providing these services.

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

KWJ/jpi

APPROVED BOARD OF ACQUISITION & CONTRACT - 7-1-2010 - 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 authorized to enter into an agreement with the Westchester Arts Council, Inc. d/b/a ArtsWestchester ("WAC") pursuant to which WAC will provide its "Maintain Cultural Services" program for the purpose of supporting the arts in the County for the term July 1, 2010 through March 31, 2011, 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 second installment upon submission of an interim report due on January 31, 2011, and be it further

**RESOLVED**, that WAC may use subcontractors to assist in carrying out the terms of this Agreement, provided that such subcontractors shall be approved by the Chairman of the Board of Legislators 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 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		\$200,000

Budget Funding Year(s) 2010 Start Date 7/1/10 End Date 3/31/11  
(must match resolution)

Funding Source Tax Dollars \$200,000

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

\$ 200,000 Federal Aid \_\_\_\_\_

(must match resolution)

Other \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT - 7-1-2010 - JOMARY VEIRA, SECRETARY