

64144

To: The Honorable Board of Acquisition and Contract

From: Natasha Caputo  
Director

Date: July 9, 2018

Re: Authority to amend a “short-form” contract with Martinelli Holdings, LLC d/b/a Today Media Custom Communications (“Today Media”) for the provision of reprinting services in connection with the 2016/2017 Westchester Destination Guide, in order to 1) expand the scope of services to include the reprinting of an additional 35,000 guides; 2) increase the not-to-exceed amount by \$19,985; and 3) extend the term of the contract through September 4, 2018.

---

On March 2, 2018, the County entered into a “short-form” agreement with Today Media pursuant to which Today Media agreed to reprint 15,000 copies of the 2016/2017 Westchester Destination Guide in order to include a welcome letter and photo from County Executive Latimer, for a term commencing on February 12, 2018 and continuing through March 12, 2018 (the “Agreement”). In consideration for services rendered, the County agreed to pay Today Media an amount not-to-exceed \$11,597.

Pending the procurement and production of the 2019/2020 Guide, an additional 35,000 copies of the 2016/2017 Guide with the new welcome letter and photo are needed to fulfill our distribution needs through the fall. Today Media has agreed to reprint an additional 35,000 copies of the 2016/2017 Guide for an additional \$19,985, which would increase the total contract amount from \$11,597 to \$31,582.

As your Honorable Board is aware, amendments to short-form contracts which result in increases which exceed the \$20,000 threshold for short-form contracts and/or term extensions beyond the one (1) year threshold, must first be approved by your Honorable Board. Since the proposed increase in the not-to-exceed amount would put this contract over the \$20,000 threshold, the approval of your Honorable Board is now required.

Accordingly, authority is respectfully requested to amend the Agreement with Today Media pursuant to which Today Media agreed to reprint 15,000 copies of the 2016/2017 Westchester Destination Guide to include a new welcome letter and photo of County Executive Latimer for a term commencing on February 12, 2018 and continuing through March 12, 2018 for

an amount not-to-exceed \$11,597, in order to 1) expand the scope of services to include the reprinting of an additional 35,000 guides; 2) increase the not-to-exceed amount by \$19,985, from \$11,597 to \$31,582, in order to compensate Today Media for additional services rendered; and 3) extend the term of the contract through September 4, 2018.

Except as specifically amended hereby, all remaining terms and conditions of the Agreement shall remain in full force and effect upon the parties.

Authority to exempt this amendment from the requirements of the Westchester County Procurement Policy and Procedures pursuant to Section 3(a)xxi thereof, has been granted by your Honorable Board in accordance with a separate resolution of even date herewith.

The amendment to the Agreement will serve a public purpose by ensuring the County has a sufficient number of Destination Guides available to promote tourism in the county.

Accordingly, a resolution to authorize the amendment is hereby submitted for your consideration.

NC/jpg/nn

APPROVED BOARD OF ACQUISITION & CONTRACT - 18/09/2018 (USA MRIJ) SECRETARY

## RESOLUTION

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

**RESOLVED**, that the County of Westchester is hereby authorized to amend a “short-form” contract with Martinelli Holdings, LLC d/b/a Today Media Custom Communications (“Today Media”), pursuant to which Today Media agreed to reprint 15,000 copies of the 2016/2017 Westchester Destination Guide to include a new welcome letter and photo of County Executive Latimer for a term commencing on February 12, 2018 and continuing through March 12, 2018 for an amount not-to-exceed \$11,597 (the “Agreement”), in order to 1) expand the scope of services to include the reprinting of an additional 35,000 guides; 2) increase the not-to-exceed amount by \$19,985, from \$11,597 to \$31,582, in order to compensate Today Media for additional reprinting services rendered; and 3) extend the term of the contract through September 4, 2018; and be it further

**RESOLVED**, that except as specifically amended hereby, all remaining terms and conditions of the Agreement shall remain in full force and effect upon the parties; 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,<br>Program &<br>Phase<br>Or Unit | Sub Unit | Object/<br>Sub-Object | Trust<br>Account | Dollars  |
|------|------|-------------------------------------------------|----------|-----------------------|------------------|----------|
| 263  | 11   | 507T                                            |          | 4380                  | 507T             | \$19,985 |
|      |      |                                                 |          |                       |                  |          |
|      |      |                                                 |          |                       |                  |          |

Budget Funding Year(s) 2018 Start Date March 2, 2018 End Date September 4, 2018  
(must match resolution)

Funding Source

Tax Dollars \_\_\_\_\_

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

**\$ 19,985** \_\_\_\_\_  
(must match resolution)

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

Other \$19,985 Hotel Tax

APPROVED BOARD OF ACQUISITION & CONTRACT - 08/09/2018 - LISAMARIA, SECRETARY