

**73045**

December 3, 2019

TO: Board of Acquisition and Contract

FROM: Kathleen M. O'Connor, Commissioner  
Parks, Recreation and Conservation

RE: Authority to amend the agreement with Zanzarella Marketing Consultants, for the purchasing of advertising and promotional materials for Playland and other Department of Parks, Recreation and Conservation facilities and consultation on media selection, in order to extend the term of the agreement for an additional one year period, commencing on January 1, 2020 and terminating on December 31, 2020 and to increase the not to exceed amount to \$1,237,000.00 for the option period.

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On November 21, 2018, this Honorable Board approved a resolution which authorized the County of Westchester ("County"), acting by and through its Department of Parks, Recreation and Conservation ("Department"), to enter into an agreement ("Agreement") with Zanzarella Marketing Consultants ("Zanzarella"), located at 80 Spring Pond Drive, Ossining, NY 10562, for the purchasing of advertising and promotional materials for Playland and other Department's facilities and consultation on media selection, for an amount not to exceed \$945,000.00 per year, for a term commencing on January 1, 2019 and terminating on December 31, 2019, with the County having the option to extend the Agreement for an additional one year period. The Agreement was subsequently executed.

Authority is now requested from your Honorable Board to amend the Agreement, for the County to exercise its option to extend the term of the Agreement for an additional one year period ("Option Period"), commencing on January 1, 2020 and terminating on December 31, 2020, and to increase the not to exceed amount to \$1,237,000.00 for the Option Period.

Zanzarella will be compensated a base consultant fee of \$24,500.00 for the Option Period plus 1.5% of total advertising purchased during the Option Period. During the Option Period of the Agreement, the fees to Zanzarella will not exceed \$38,104.00.

The balance of the \$1,198,896.00 maximum budget allowance for the Option Period will be available to pay Zanzarella for advertising purchased on behalf of the County. The Agreement includes any promotional materials associated with advertising as well as all

forms of advertising including television, radio, print and internet. Agency discounts obtained through Zanzarella's placement of advertising are of benefit to the County and only net amounts are reimbursed to Zanzarella. Payments to Zanzarella are made upon the submission of proper documentation. In addition, the 1.5% fee charged by Zanzarella is far less than the standard 15% charged by most advertising agencies.

Authority is also requested from your Honorable Board for the County to place additional advertising through this Agreement from funding made available through private industry and sponsorships. The advantages to entering into the Agreement with Zanzarella include the consultation and review of media selection, saving on percentages and bulk purchases, and a simplification of procedures.

The goal of this Agreement is to allow the County to advertise and promote Playland and other Department's facilities in an effort to increase attendance and revenue. This Agreement promotes fiscal responsibility as the County will receive agency discounts for advertising by placing ads through Zanzarella.

The Westchester County Procurement Policy does not apply to advertising contracts pursuant to Section 3 (iv) thereof, and, therefore, such policy does not apply to this Agreement.

The objectives of this Agreement will be monitored through revenue reports and evaluation from the Department' staff members.

A resolution is attached for your favorable consideration.

KMC/CMC

## RESOLUTION

Upon a communication from the Commissioner of the Department of Parks, Recreation & Conservation, be it hereby

**RESOLVED**, that the County of Westchester ("County") is authorized to amend the agreement ("Agreement") with Zanzarella Marketing Consultants ("Zanzarella"), located at 80 Spring Pond Drive, Ossining, New York 10562, for the purchasing of advertising and promotional materials for Playland and other Department of Parks, Recreation and Conservation's facilities and consultation on media selection, for a term from January 1, 2019 through December 31, 2019, for the County to exercise its option to extend the term of the Agreement for an additional one year period ("Option Period"), commencing on January 1, 2020 and terminating on December 31, 2020 ("First Amendment"); and be it further

**RESOLVED**, that Zanzarella will be compensated an amount not to exceed \$1,237,000.00 during the Option Period which includes the net cost of advertising and promotional materials and the compensation to Zanzarella at a base consultation fee of \$24,500.00 for the Option Period, plus 1.5% of total advertising purchased, provided the fees to Zanzarella will not exceed \$38,104.00 during the Option Period; and be it further

**RESOLVED**, that the balance of the \$1,198,896.00 maximum budget allowance shall be available to pay Zanzarella for advertising purchased on behalf of the County; and be it further

**RESOLVED**, that the not to exceed amount of this Agreement, as amended by the First Amendment shall now be increased by \$1,237,000.00 for a total contract amount not to exceed \$2,182,000.00; and be it further

**RESOLVED**, that the County has the option to purchase additional advertising through this Agreement with funding made available through private industry and/or sponsorship; and be it further

**RESOLVED**, that this Agreement, as amended by the First Amendment, is subject to County budget appropriations; and be it further

**RESOLVED**, that this Agreement, as amended by the First Amendment, 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 the State Budget or any amendments thereto, and for a reasonable period of time after such release(s) 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 this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to Zanzarella, then Zanzarella shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further

**RESOLVED**, that the County Executive or his authorized designee is hereby empowered to execute any and all instruments necessary to effectuate the purposes thereof.

Original Agreement     \$ 945,000  
 First Amendment       \$ 1,237,000

TOTAL                         \$ 2,182,000

Agreement # PRC-1195A

Account to be  
 Charged/Credited

Fund	Dept	Major Program, Program & Phase  Or Unit	Object/ Sub- Object	Trust Account	Dollars
165	42	5520	4630		\$1,200,000
165	42	1100	4380		\$12,000
165	42	7150	4380		\$25,000

2020  
 2020  
 2020

Budget Funding Year(s) **2020**   Start Date **1/1/2020**   End Date **12/31/2020**  
 (must match resolution)

Funding Source                           Tax Dollars \_\_\_\_\_ X \_\_\_\_\_

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

**\$1,237,000**                               Federal Aid \_\_\_\_\_

(must match resolution)

Other \_\_\_\_\_

APPROVED BOARD OF ACQUISITIONS CONTRACT - 12/05/2019 - JOAN COCCIARDI, SECRETARY