

Department of Social Services

Memorandum

74797

TO: Board of Acquisition and Contract

FROM: Kevin M. McGuire
Commissioner of Social Services

DATE: February 20, 2020

SUBJECT: Resolution authorizing the County of Westchester to enter into a license agreement with White Plains Performing Arts Center, Inc. ("WPPAC") to use WPPAC's theater on February 28, 2020 for a celebration of Black History Month, for an amount not to exceed \$3,000.

The County of Westchester (the "County"), acting by and through its Department of Social Services, is requesting authority to enter into a license agreement (the "Agreement") with White Plains Performing Arts Center, Inc. ("WPPAC") pursuant to which WPPAC will grant to the County, and the County will accept, a license to use WPPAC's theater (the "Premises") during certain designated hours on February 28, 2020 for a celebration of Black History Month event (the "Event") for license fee not to exceed \$3,000.

Under the proposed Agreement, WPPAC requires that the County indemnify and hold harmless WPPAC, the City of White Plains, its employees, officers and trustees against all claims or actions for damages for personal injuries and property damage arising from usage of the Premises by the County, its employees, vendors, agents, or persons brought onto the Premises in connection with the County's usage of the Premises.

The proposed Agreement will serve a public purpose by providing information, to increase staff and public awareness, knowledge, & support of historic preservation & stewardship for the county's cultural historic heritage.

The goals and objectives of the proposed Agreement are in the best interests of the County in that it will assist in the creation, promotion, facilitation and/or improvement of staff & public understanding of natural, cultural historic heritage

The goals and objectives of the proposed Agreement will be tracked and monitored by the staff of the Department of Social Services.

This agreement is exempt from the requirements of the Westchester County Procurement Policy pursuant to Section 3(b) thereof.

It should be noted that part of the Event shall take place on property outside of the Premises owned by KRG White Plains City Center, LLC ("KRG"). Accordingly, a separate resolution is submitted on even date herewith which, if approved, will authorize a license agreement with KRG.

Accordingly, I most respectfully recommend the adoption of the annexed Resolution.

KMM/RWB/jrc
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 02/27/2020 - LISA MRISAJ, SECRETARY

RESOLUTION

Upon a communication from the Commissioner of Social Services, be it hereby

RESOLVED, that the County of Westchester (“County”), acting by and through its Department of Social Services, is hereby authorized to enter into a license agreement (the “Agreement”) with White Plains Performing Arts Center, Inc. (“WPPAC”) pursuant to which WPPAC will grant to the County, and the County will accept, a license to use WPPAC’s theater (the “Premises”) during certain designated hours on February 21, 2020 (or rain date February 28, 2020) for a celebration of Black History Month event for a license fee not to exceed \$3,000; and be it further

RESOLVED, that the Agreement shall provide that the County will indemnify and hold harmless WPPAC, the City of White Plains, its employees, officers and trustees against all claims or actions for damages for personal injuries and property damage arising from usage of the Premises by the County, its employees, vendors, agents, or persons brought onto the Premises in connection with the County’s usage of the Premises; 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 the 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 contractor, then the contractor 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 authorized and empowered to execute and deliver all instruments and take all actions necessary or appropriate to effectuate the purposes hereof.

Account to be Charged/credited

Fund	Agency	Capital Project Or Org	Object/ Sub Object	Trust Account	Activity	Dollars
101	22	0010	4420	----	-----	\$3,000

Budget Funding Year(s) : 2020
(must match resolution)

Start Date: :02/21/2020 End Date : 02/28/2020

Funding Source

N/A

\$3,000
(must match resolution)

Tax Dollars: 40%

State Aid: 22%

Federal Aid:38%

Other: