

George Latimer
County Executive

Natasha Caputo
Director
Tourism & Film

80359

To: The Honorable Board of Acquisition and Contract

From: Natasha Caputo
Director of Tourism & Film

Date: October 21, 2020

Re: Resolution to exempt from the Westchester County Procurement Policy the procurement of an amendment to an Agreement with Eric Mower & Associates, Inc. d/b/a Mower ("Mower"), pursuant to Section 3(a)xxi of the Westchester County Procurement Policy and Procedures.

Authority is hereby requested from your Honorable Board to exempt from the Westchester County Procurement Policy and Procedures the procurement of an amendment to an Agreement with Mower for the provision of public relations, marketing, advertising and creative services to promote tourism in Westchester County, pursuant to Section 3(a)xxi of the Westchester County Procurement Policy and Procedures.

Following an extensive RFP process in which Mower was deemed the highest ranked proposer, on December 20, 2018, your Honorable Board approved a resolution which authorized the County of Westchester ("County"), acting by and through its Office of Tourism & Film ("WCOTF"), to enter into an agreement with Mower for the provision of integrated public relations and marketing, including advertising and creative services, to promote tourism in Westchester County (the "Services"), for an initial term commencing on November 15, 2018 and terminating on December 31, 2019 for an amount not to exceed Four Hundred Ninety Thousand Dollars (\$490,000.00), payable pursuant to an approved budget and subject to County appropriations (the "Agreement"). The December 20th Resolution further provided that the County, at its sole option, could extend the term of the Agreement for an additional one (1) year period, on the same terms and conditions as agreed to by the parties for the initial term, subject to the further approval of your Honorable Board. The Agreement was subsequently executed.

Thereafter by resolution approved on December 5, 2019, your Honorable Board authorized the County to exercise its option to extend the term of the Agreement for an additional year commencing on January 1, 2020 and continuing through December 31, 2020 for an additional amount not-to-exceed \$490,000.00, payable pursuant to an approved budget (the "First Amendment"). The First Amendment was subsequently executed.

Thereafter by resolution approved on August 20, 2020, your Honorable Board authorized the County to amend the First Amendment to the Agreement with Mower by expanding the Services thereunder to include a new advertising/marketing campaign known as "Westchester Safety/Westchester Cares", to support the resumption of activity at tourism businesses, including hotels, restaurants, and destination attractions throughout the County, with an emphasis on their commitment to the health and safety of their staff and customers, with no change to the not-to-exceed amount of \$490,000 (the "Second Amendment"). The Second Amendment was subsequently executed.

The parties now desire to further amend the Agreement in order to extend the term thereof for the period from January 1, 2021 through December 31, 2021, during which Mower will continue to provide the Services to the County for an amount not-to-exceed \$490,000, payable pursuant to an approved budget.

Ordinarily, under Section 6 of the Procurement Policy, the County is required to solicit proposals for such services through the issuance of an RFP. However, Mower has been providing advertising, public relations and marketing services to the County for almost two (2) years now. As such, it is uniquely familiar with the County's advertising and marketing strategies and goals. By continuing its relationship with Mower, the County will be able to maximize the benefit of the work that Mower has performed thus far. Moreover, it will provide continuity for the "Beyond" campaign which launched prior to the pandemic and has since evolved into messaging that is relevant, positive and compelling for people traveling in the current environment.

Pursuant to Section 3(a)xxi, the Westchester County Procurement Policy and Procedures are not applicable to any procurement for which this Honorable Board determines, by resolution passed prior to commencing such procurement, that compliance with the policy would not be in the best interests of the County. For the reasons set forth above, it is proposed that the best interests of the County would be served by exempting the procurement of this amendment to the Agreement with Mower from the County Procurement Policy.

Accordingly, a Resolution to exempt the procurement of an amendment to the Agreement with Mower is hereby submitted for your consideration.

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Attachments

RESOLUTION

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

RESOLVED, that pursuant to Section 3(a)xxi of the Westchester County Procurement Policy and Procedures, it is hereby determined that application of the procedural requirements contained therein, including the necessity of soliciting proposals, is neither cost effective nor expedient, and accordingly, not in the best interests of the County of Westchester in connection with the procurement of an amendment to an Agreement with Eric Mower & Associates, Inc. d/b/a Mower (“Mower”) for the provision of public relations, marketing, advertising and creative services to promote tourism in Westchester County.

APPROVED BOARD OF ACQUISITION & COMPLIANCE 11/19/2020 - LISA MBIJAJ, SECRETARY