

82699

TO: Honorable Members of the Board of Acquisition and Contract

FROM: Honorable George Latimer
Westchester County Executive

DATE: February 16, 2021

SUBJECT: Authority to enter into an agreement with ArtsWestchester, Inc. (formerly Westchester Arts Council, Inc.) to manage and provide cultural services to County residents, including the Art\$W Challenge matching program, for the period January 1, 2021 to December 31, 2021, for an amount not to exceed \$1,951,719.00.

The attached Resolution, if approved by your Honorable Board, would authorize the County of Westchester (the "County") to enter into an agreement (the "Agreement") with ArtsWestchester, Inc. (formerly Westchester Arts Council, Inc.) ("ArtsWestchester") to manage and provide the County's cultural services, including the Art\$W Challenge matching program, designed to enrich the lives of County residents by providing access and involvement in the arts, for a term commencing January 1, 2021 and continuing through December 31, 2021, for an amount not to exceed One Million Nine Hundred Fifty-One Thousand Seven Hundred Nineteen Dollars (\$1,951,719.00), to be paid in four (4) equal quarterly installments pursuant to an approved budget.

The proposed Agreement will serve a public purpose by providing access and involvement in the arts thereby enriching the lives of County residents.

The goals and objectives of the proposed Agreement are for ArtsWestchester to:

- administer the County's cultural services contracts including Basic Program Support and Project Support, as well as arts initiatives in Mount Vernon and Yonkers, the Art\$W Challenge matching program, and deliver arts services to people with special needs;
- manage a county-wide arts-in-education program;
- provide public information services that keep County residents and visitors abreast of cultural opportunities available in Westchester;
- maintain and upgrade a cultural events website and customer relationship management functions;
- make free and low-cost rehearsal, meeting and exhibition/performance space at the ArtsWestchester building available to Westchester artists, non-profit cultural organizations and community groups; and

- develop and implement countywide cultural initiatives.

Due to the COVID-19 pandemic, these programs and services shall either be virtual or in-person, depending on government regulations.

ArtsWestchester will provide the aforementioned services directly and through subcontracts with at least fifty (50) eligible organizations and, as appropriate, artists through the following categories: Basic Program Support, Project Support, Mount Vernon Arts Initiative, Yonkers Arts Initiative, and Special Needs.

The goals and objectives of the proposed Agreement will support the public welfare of the County by enabling ArtsWestchester to fulfill its role in supporting the delivery of arts and cultural services to County residents. Working in partnership with not-for-profit cultural organizations throughout the County, ArtsWestchester ensures that County residents have access to a robust and diverse array of cultural services, ranging from concerts, exhibitions and performances to family workshops and arts education programs. These cultural amenities enhance the quality of life of County residents, bolster the County as a desirable place to live and work, and support the County's efforts to attract and retain corporations. Arts-in-education strategies that use the arts as instructional tools enhance both teaching and learning. ArtsWestchester has been engaged in arts-in-education for more than twenty (20) years, helping schools and districts integrate the arts into classrooms. Experience and research demonstrate that carefully designed, multi-session artist residencies motivate students to learn core curricula, help them retain what they learn longer and enable them to develop critical thinking skills that are necessary for success in college and in the workforce. Hands on, multi-session arts making workshops are equally effective in helping young people and adults develop social and developmental skills. ArtsWestchester's comprehensive marketing program will provide thousands of County residents and visitors with information about local cultural resources available to them and their families.

The goals and objectives of the proposed Agreement will be tracked and monitored by the County Executive's Office through an interim narrative report covering the period January 1, 2021 through June 30, 2021, due on or before July 15, 2021 and a narrative report covering the period of July 1, 2021 through December 31, 2021, due on or before January 15, 2022. However, it should be noted that ArtsWestchester's subcontracts with cultural organizations run from July 1 through June 30 of the subsequent year and, as a result, ArtsWestchester will provide final figures on participation on or before September 30, 2022.

The procurement of the proposed Agreement is exempt from the Westchester County Procurement Policy pursuant to Section 3(a) (xiii), which exempts contracts for the "support, enhancement, or preservation of cultural resources and the arts."

Attached for your consideration is a proposed Resolution.

RESOLUTION

Upon a communication from the Westchester County Executive, be it hereby

RESOLVED, that the County of Westchester (the "County") is hereby authorized to enter into an agreement (the "Agreement") with ArtsWestchester, Inc. (formerly Westchester Arts Council, Inc.) ("ArtsWestchester"), to manage and provide the County's cultural services, including the Art\$W Challenge matching program, manage a countywide arts-in-education program, provide marketing and information services informing County residents and visitors of the numerous arts opportunities available throughout the County, make free and low-cost space available at the Arts Exchange Building, and develop and implement countywide cultural initiatives, for a term commencing January 1, 2021 and continuing through December 31, 2021, for an amount not to exceed One Million Nine Hundred Fifty-One Thousand Seven Hundred Nineteen Dollars (\$1,951,719.00), to be paid in four (4) equal quarterly installments pursuant to an approved budget; and be it further

RESOLVED, that this Agreement is subject to County appropriations; and be it further

RESOLVED, that this 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 this 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 this Agreement upon reasonable prior written notice; and be it further

RESOLVED, that the County Executive or his duly authorized designee be and hereby is authorized and empowered to execute any and all documents and take any actions necessary to effectuate the purposes hereof.

Account to be charged/credited:

FUND	DEPT	Major Program, Program & Phase, Or Unit	Object/ Sub-Object	Trust Account	Dollars	Funding Year
101	52	2010	5100	N/A	\$1,951,719	2021

Budget Funding Year(s) 2021
(must match resolution)

Start Date: 1/1/2021 **End Date:** 12/31/2021

\$1,951,719
(must match resolution)

Funding Source: Tax Dollars \$1,951,719
State Aid _____
Federal Aid _____
Other _____