

85939

Date: June 22, 2021

To: Board of Acquisition and Contract

From: Marguerite Beirne
Chief Information Officer

Re: Resolution to exempt from the Westchester County Procurement Policy pursuant to Section 3(a) xxi thereof, the procurement of an amendment to an agreement (IT-1660) with Moving Pictures, LLC for the provision of crew and equipment setup necessary for live streaming the County Executive's press events.

Authority is hereby requested from your Honorable Board to exempt the procurement of an amendment to an agreement with Moving Pictures, LLC ("Moving Pictures") from the Westchester County Procurement Policy and Procedures ("Procurement Policy"), pursuant to Section 3(a) xxi thereof.

By resolution approved on June 11, 2020, your Honorable Board authorized a "best interest" of the County exemption to a "short form" agreement with Moving Pictures pursuant to which Moving Pictures agreed to provide crew and equipment setup necessary for live streaming the County Executive's press events for a term commencing on May 31, 2020 and continuing through December 31, 2020 for an amount not-to-exceed \$35,000.00, at the rate of \$1,200 per live stream (the "Agreement"). The Agreement was subsequently executed.

Thereafter, by resolution approved on October 8, 2020, your Honorable Board authorized a "best interest" of the County exemption to a first amendment to the Agreement with Moving Pictures which authorized a \$60,000 increase in the not-to-exceed amount of the Agreement, thereby increasing the total aggregate amount thereunder from \$35,000 to \$95,000 (the "First Amendment"). The First Amendment was subsequently executed.

Thereafter, by resolution approved on January 14, 2021, your Honorable Board authorized a "best interest" of the County exemption to a second amendment to the Agreement with Moving Pictures which authorized the County to 1) extend the term of the Agreement through December 31, 2021; 2) add a new fee schedule for certain "special" events; and 3) increase the total not-to-exceed amount authorized thereunder by an additional \$100,000.(the "Second Amendment"). The Second Amendment was subsequently executed.

The County now seeks to further amend the Agreement in order to increase the total not-to-exceed amount authorized thereunder by an additional \$20,000, from an amount not-to-exceed \$195,000, to a new amount not-to-exceed of \$215,000.

Ordinarily, under Section 5(b) of the Procurement Policy, the County is required to solicit written quotations from no fewer than three persons customarily providing such services, and, if deemed appropriate, to inquire as to the qualifications and experience of such persons. However, due to the specialized nature of the services to be rendered which are difficult to find locally on short notice, as well as the fact that the County has been very pleased with the services performed by the vendor thus far, compliance with the County Procurement Policy is not in the best interest of the County.

Pursuant to Section 3 (a) (xxi) of the Procurement Policy, where this Honorable Board determines by resolution passed prior to the commencement of procurement that compliance with the Procurement Policy would not be in the best interests of the County, the requirements of the Procurement Policy may be waived. 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 from the County Procurement Policy.

Your Honorable Board's approval of the annexed resolution is respectfully requested.

MB/SF/jpg
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 07/09/2022 - USA MRIJAS SECRETARY

RESOLUTION

Upon a communication from the Chief Information Officer, be it hereby

RESOLVED, that pursuant to Section 3 (a) (xxi) of the Westchester County Procurement Policy and Procedures, it is determined that application of the procedural requirements contained therein, including the necessity of soliciting written price quotations, 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 (IT-1660) with Moving Pictures, LLC for the provision of crew and equipment setup necessary for live streaming the County Executive's press events, in order to increase the not-to-exceed cap under said agreement by an additional \$20,000.

APPROVED BOARD OF ACQUISITION & CONTRACTS 01/08/2021 LISA MAJAJ, SECRETARY