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**110120**

DATE: December 10, 2024

TO: Honorable Members of the Board of Acquisition and Contract

FROM: Douglas Colety  
Commissioner of the Board of Elections

Tajian Nelson  
Commissioner of the Board of Elections

RE: Authority for the County of Westchester to enter into an Emergency Contract with Phoenix Graphics Inc. to print direct mail postcards to all registered voters residing in Westchester County and to deliver said post cards to the White Plains Post Office for a term commencing retroactively on October 1, 2024 and continuing through October 31, 2024 for a total amount not-to-exceed \$71,175.00.

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As we informed your Honorable Board in a Declaration of Emergency Situation memorandum dated October 24, 2024 (the "Memorandum"), after the deadline for voter registration expired on October 26, 2024, the County of Westchester ("County"), through its Board of Elections ("BOE"), was required by law to print direct mail postcards and send them to all registered voters residing in Westchester County. This work is normally handled through the County's own print shop. However, because the County print shop was overwhelmed by producing this year's numerous State ballot proposals and County abstract proposal, it could not print the direct mail postcards for the BOE within the allotted time frame for voters to receive the information prior to early voting. Therefore, the BOE encountered an emergency situation that, if not addressed promptly, would have resulted in voters not being notified in a timely manner.

Based on the details specified in the Memorandum, which was submitted to your Honorable Board in accordance with Section 167.171(3) of the Laws of Westchester County, it has been determined that this was a condition that was unforeseen and required immediate action that could not await competitive bidding. Therefore, this situation met the legal requirements for an emergency contract under Section 167.171(5) of the Laws of Westchester County and Section 103(4) of the New York General Municipal Law.

Accordingly, authority is now requested from your Honorable Board for the County to enter into an Emergency Contract with Phoenix Graphics Inc. (“Phoenix”), pursuant to which Phoenix agreed to print direct mail postcards for the BOE and deliver same to the White Plains Post Office for mailing (the “Emergency Contract”). The term of the Emergency Contract commenced retroactively on October 1, 2024 and expired on October 31, 2024. In consideration for the printing and delivery services rendered, the County will pay Phoenix an amount not-to-exceed \$71,175.00, payable in full upon execution of the Emergency Contract.

The proposed Emergency Contract serves a public purpose by enabling the BOE to provide complete election information to registered voters.

Accordingly, we most respectfully recommend the adoption of the attached resolution.

DC/TN/jpg/nm  
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/19/2024 - RAYMOND SCULKY, SECRETARY

**RESOLUTION**

Upon a communication from the Commissioners of the County Board of Elections, be it hereby:

**RESOLVED**, that the County of Westchester (the “County”), acting by and through its Board of Elections (“BOE”), is hereby authorized to enter into an Emergency Contract with Phoenix Graphics Inc. (“Phoenix”), pursuant to which Phoenix agreed to print direct mail postcards for the BOE and deliver same to the White Plains Post Office for mailing, for a term commencing retroactively on October 1, 2024 and continuing through October 31, 2024, for an amount not-to-exceed \$71,175.00 (the “Agreement”), payable in full upon execution of the Agreement; 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 is hereby authorized to execute any documents and take any actions reasonably necessary and appropriate to effectuate the purposes of this resolution.

Account to be  
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
101	14	1000	3600		\$71,175.00

Budget Funding Year(s): 2024 Start Date: 10-1-2024 End Date: 10-31-2024  
(must match resolution)

Funding Source Tax Dollars: \$71,175.00  
\$ 71,175.00 State Aid: \_\_\_\_\_  
(must match resolution) Federal Aid: \_\_\_\_\_  
Other: \_\_\_\_\_