

Department of Parks, Recreation
& Conservation

ID 101609

Date: May 31, 2023

To: Honorable Board of Acquisition and Contract

From: Kathleen O'Connor
Commissioner of Parks, Recreation and Conservation

Re: Authority for the County of Westchester to enter into an agreement with Tony Orlando Productions, LLC for the performance of a concert at the Westchester County Center on July 21, 2023 in an amount not to exceed \$50,000 and to enter into an agreement with Coda Productions for the performance of a concert at the Westchester County Center on July 21, 2023 in an amount not to exceed \$42,500.

In conjunction with the 105th Annual American Legion Convention being held in Westchester County July 17th through 23rd, 2023, the County of Westchester (the County) requests authority to enter into an agreement with Tony Orlando Productions, LLC ("TO") for the performance of a concert at the Westchester County Center on July 21, 2023 (the "Concert") in an amount not to exceed \$50,000. Authority is also being requested to enter into an agreement with Coda Productions ("Coda") to provide additional musical entertainment at the Concert in an amount not to exceed \$42,500. The Concert will include a performance by Tony Orlando along with an additional lineup including: Just Nuts, The Chiclettes, The Drifters, Dennis Tufano, Bobby Wilson and Jay and the Americans. The Concert will be promoted along with the 105th Annual American Legion Convention and approximately 800 tickets will be provided free of charge to veterans. Additional tickets to the concert will be sold by Ticketmaster. Revenue from the ticket sales will offset the costs associated with the Concert.

The County is promoting this concert and the agreement provides that the County will defend and indemnify TO as follows:

"The County will indemnify, defend, and hold harmless all of Artist and Artist's accountants, attorneys, agents, representatives, and their respective contractors, employees, licensees, and designees harmless from and against any and all third-party claims, liability, and/or loss arising out of or in connection with the [County's security and safety] obligation."

The proposed Concert will be a welcome conclusion to the American Legion Convention and will provide entertainment to veterans as well as to the general public. The performance of TO and Coda pursuant to the proposed agreements will be tracked and monitored the Department of Parks, Recreation and Conservation, by County Center staff.

These agreements are exempt from the operation of the Westchester County Procurement Policy pursuant to Section 3 (b) thereof.

I recommend approval of the attached proposed Resolution.

KOC/di

APPROVED BOARD OF ACQUISITION & CONTRACT - 06/01/2023 - RAYMOND SCULKY, SECRETARY

RESOLUTION

Upon a communication from the Commissioner of Parks, Recreation and Conservation, be it hereby

RESOLVED, that the County of Westchester (the "County") is hereby authorized to enter into to an agreement with Tony Orlando Productions, LLC ("TO") for the performance of a concert at the Westchester County Center on July 21, 2023 (the "Concert") in an amount not to exceed \$50,000. The County is further authorized to enter into an agreement with Coda Productions ("Coda") to provide additional musical entertainment at the Concert in an amount not to exceed \$42,500; and be it further

RESOLVED, that the agreement with TO provides as follows:

"The County will indemnify, defend, and hold harmless all of Artist and Artist's accountants, attorneys, agents, representatives, and their respective contractors, employees, licensees, and designees harmless from and against any and all third-party claims, liability, and/or loss arising out of or in connection with the [County's security and safety] obligation."

and, be it further

RESOLVED, that the County Executive or his authorized designee is hereby authorized to execute all instruments and take all actions reasonably necessary to implement this Resolution.

Agreement # PRC-1413

Account to be
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
165	42	7150	4380		\$92,500

2023

Budget Funding Year(s) 2023 Start Date 05-30-23 End Date 07-21-23
(must match resolution)

Funding Source Tax Dollars X

\$ 92,500
(must match resolution)

State Aid _____
Federal Aid _____

Other _____