

Information:

Drawer: Accounts Payable - Invoices

Vendor Number: 1183425

Vendor Name: Kirk Muspratt

Invoice Number: IC-JULY/AUG 2021

Invoice Date: 07/31/21

PO Number: B0000313

Check Number: E0085842

Check Amount: \$ 9,500.00

Check Date: 08/04/2021

Department ID: 11701

Reviewer Name:

Voucher Number: V0693403

Redaction Type: None

Document Type: AP Invoice-3 Way/Pre-Approved

Document Below

Kirk Muspratt

Music Director, New Philharmonic Orchestra

BO# 0000313

July 1, 2021- June 30, 2022 (FY2022)
Payment Schedule

AP VERIFIED
Contract Attached

08/04/21 - BETHANY CRUSE

DATE AMOUNT

July 31, 2021 \$ 4,750.00

August 31, 2021 \$ 4,750.00

September 30, 2021 \$ 4,750.00

October 31, 2021 \$ 4,750.00

November 30, 2021 \$ 4,750.00

December 31, 2021 \$ 4,750.00

January 31, 2022 \$ 4,750.00

February 28, 2022 \$ 4,750.00

March 31, 2022 \$ 4,750.00

April 30, 2022 \$ 4,750.00

May 31, 2022 \$ 4,750.00

June 30, 2022 \$ 4,750.00

TOTAL \$57,000.00

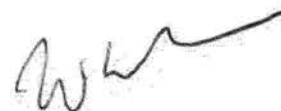
APPROVED

By Ellen McGowan at 1:03 pm, Aug 02, 2021

APPROVED

By Ellen M. Roberts at 7:39 am, Aug 04, 2021

05-60-11701-5309004
481 Music Director



From: Cruse, Bethany <cruseb199@cod.edu>
Sent: Wed Aug 04 08:02:46 CDT 2021
To: invoicing@cod.edu
CC:
Subject: Fw: Manual Request Muspratt, Kirk Payment Form Jul-Aug, 2021 - Please Rush

Thanks

Bethany Cruse
AP Lead
College of DuPage
630-942-4294

From: Sekerka, Joyce
Sent: Wednesday, August 4, 2021 7:54:18 AM
To: Cruse, Bethany
Subject: FW: Manual Request Muspratt, Kirk Payment Form Jul-Aug, 2021 - Please Rush

Hi Bethany,

Please process.

Thanks,
Joyce

Joyce Sekerka
Accounts Payable Supervisor
College of DuPage
425 Fawell Blvd.
Glen Ellyn, IL 60137-6599
630-942-2293
Email: sekerkaj@cod.edu

From: Humphrey, Vera <humphreyv@cod.edu>
Sent: Wednesday, August 4, 2021 7:51 AM
To: Sekerka, Joyce <sekerkaj@cod.edu>
Cc: McGowan, Ellen <mcgowan@cod.edu>
Subject: FW: Manual Request Muspratt, Kirk Payment Form Jul-Aug, 2021 - Please Rush
Importance: High

Hi Joyce,

Ellen has approved. Thank you.

Vera Humphrey
Administrative Assistant to the
Vice President of Administrative Affairs

College of DuPage | 425 Fawell Blvd | SRC 2130 | Glen Ellyn, IL 60137
630-942-4285 (ph) | 630-942-2297 (fax)



From: Roberts, Ellen <roberts@cod.edu>
Sent: Wednesday, August 4, 2021 7:40 AM
To: Humphrey, Vera <humphreyv@cod.edu>
Subject: FW: Manual Request Muspratt, Kirk Payment Form Jul-Aug, 2021 - Please Rush
Importance: High

Vera,

Attached please find the approved payment form.

Thank you,

Ellen

Ellen M. Roberts
Vice President, Administrative Affairs
College of DuPage
425 Fawell Blvd.
Glen Ellyn, IL 60137
roberts@cod.edu
630-942-2218

From: Humphrey, Vera <humphreyv@cod.edu>
Sent: Wednesday, August 4, 2021 6:50 AM
To: Roberts, Ellen <roberts@cod.edu>
Subject: FW: Manual Request Muspratt, Kirk Payment Form Jul-Aug, 2021 - Please Rush
Importance: High

Hi Ellen,

For your approval for check run today.

Vera Humphrey
Administrative Assistant to the
Vice President of Administrative Affairs

College of DuPage | 425 Fawell Blvd | SRC 2130 | Glen Ellyn, IL 60137
630-942-4285 (ph) | 630-942-2297 (fax)



From: Humphrey, Vera
Sent: Monday, August 2, 2021 2:30 PM
To: Roberts, Ellen <roberts@cod.edu>
Subject: FW: Manual Request Muspratt, Kirk Payment Form Jul-Aug, 2021
Importance: High

Hi Ellen,

A manual check request for your approval.

Thank you.

Vera Humphrey
Administrative Assistant to the
Vice President of Administrative Affairs

College of DuPage | 425 Fawell Blvd | SRC 2130 | Glen Ellyn, IL 60137
630-942-4285 (ph) | 630-942-2297 (fax)

x

From: McGowan, Ellen <mcgowan@cod.edu>
Sent: Monday, August 2, 2021 2:21 PM
To: Humphrey, Vera <humphreyv@cod.edu>
Cc: Sekerka, Joyce <sekerkaj@cod.edu>
Subject: Manual Request Muspratt, Kirk Payment Form Jul-Aug, 2021
Importance: High

Hi Vera,
Please ask Ellen R to approve the attached payment for Kirk Muspratt's July/Aug Payroll.
Please send to Payables when signed for processing in this week's ACH run.
Thank you.

Ellen McGowan
Business Manager
McAninch Arts Center
College of DuPage
425 Fawell Blvd
Glen Ellyn, IL 60137
P. 630-942-3009
F. 630-942-3002
mcgowan@cod.edu

[attachment: Muspratt, Kirk Payment Form Jul-Aug 2021 9500.00 08-02-21.pdf]
[attachment: FE Kirk Muspratt Independent Contractor 2020-22 MAC 7.16.20.pdf]
[attachment: Board Approval FY21, FY22 Kirk Muspratt DLM.pdf]
[attachment: Muspratt Kirk Payment Form Jul-Aug 2021 9500.00 08-02-21.pdf]

Kirk Muspratt

Music Director, New Philharmonic Orchestra

BO# 0000313

July 1, 2021- June 30, 2022 (FY2022)
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Contract Attached

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April 30, 2022	\$ 4,750.00
May 31, 2022	\$ 4,750.00
June 30, 2022	\$ 4,750.00
TOTAL	\$57,000.00

APPROVED

By Ellen McGowan at 1:03 pm, Aug 02, 2021

05-60-11701-5309004
481 Music Director



CONTRACT APPROVAL COVER SHEET

Contract Name: Kirk Muspratt Independent Contractor Agreement FY2021, FY2022

Requesting Department: The MAC Date Initiated: 06/30/20

Contact Name: Diana Martinez/Ellen McGowan Phone: 3007/3009

Email Address: martinezd59@cod.edu/mcgowan@cod.edu

Vendor Name: Kirk Muspratt Phone: 219-836-0525 ext 205

Vendor Contact: Kirk Muspratt Email: kmuspratt@hotmail.com

Total Contract: \$ 112,500 (\$55,500 FY21, \$57,000 FY22) Contract Dates: Start: 07/01/20

FY Budget \$ 55,500 FY21, \$57,000 FY22 (pending approval) End: 06/30/22

Vendor 1: Name Professions Service Exemption Form attached Quote: \$

Vendor 2: Name Quote: \$

Vendor 3: Name Quote: \$

Contract Purpose: Monthly payments for Kirk Muspratt, New Phil Orchestra Music Director/Conductor, for 2 year-contract FY2020/21 and FY2021/22 per attached contract and Board Approval.

Contract Type: ☒ Independent Contractor ☐ Service Agreement ☐ Lease
☐ Construction ☐ Other

Has the College contracted with this vendor in the past or is this a renewal or extension of a previously approved contract? ☒ Yes ☐ No (If YES, attach a copy of the relevant agreement.)

Are required support documents attached? (see page 2) ☒ Yes

I certify that I have read and understand the terms of this agreement and have appropriate authority to submit this agreement on behalf of my department. I further certify that the agreement is complete and includes all exhibits, attachments and pages.

Print

Sign

Requester: Ellen McGowan

Budget Mgr.: Ellen McGowan

Dept. Adm.: Diana Martinez

APPROVED
By Ellen McGowan at 12:11 pm, Jul 10, 2020

APPROVED
By Ellen McGowan at 12:12 pm, Jul 10, 2020

Diana Martinez

Submit to Purchasing in Berg Instructional Center (BIC), Room 1540 or email to purchasing@cod.edu.

Purchasing Dept. Use Only

Comments _____

REVIEWED

By Lisa Erl at 8:14 am, Jul 16, 2020

Approval Initials _____

CONTRACT APPROVAL COVER SHEET (Instructions)

Per Administrative Procedure 10-60, all contracts entered into on behalf of the College of DuPage must be signed by the Vice President, Administration. This form must be completed in full and submitted with all contracts that require a signature.

Submit the contract, along with this form and all required support documents as outlined below, to Purchasing in the Berg Instructional Center (BIC), Room 1540 or via email at purchasing@cod.edu. Purchasing will review all documents, and, if appropriate, will forward to the Vice President, Administration for signature. Contracts submitted without complete documentation will be returned to the requester.

Required support documentation:

- ☐ 1. Contract value less than \$5,000: Contract Purpose section should indicate action taken to confirm best price.
- ☐ 2. Contract value between \$5,000 and \$14,999: minimum of three (3) verbal quotes must be documented (vendor name and quoted amount) on this form or an attached sheet.
- ☐ 3. Contract value between \$15,000 and \$24,999: minimum of three (3) written quotes.
- ☒ 4. Contract value of \$25,000 or greater: bid results (bid tabulation or RFP evaluation matrix), Board Report, and confirmation of Board approval (meeting minutes or Cabinet confirmation).
- ☐ 5. Contracts submitted as sole source: full justification of sole source and letter from the vendor confirming they are the only source of the product/service.
- ☐ 6. If vendor will be providing a service on campus a Certificate of Insurance is required. For additional information contact Risk Manager.

Upon signature, the original contract will be returned to the requester. It is the responsibility of the requester to forward all fully executed contracts/agreements, no matter the dollar amount, to the Purchasing Department by emailing to purchasingforms@cod.edu for inclusion in the College's contract database. If a vendor/contractor signature is still required after signature by the Vice President, Administration, it is the responsibility of the requester to obtain the remaining signature(s). Once fully executed, requester will scan a copy of the complete contract and email to purchasingforms@cod.edu.

A copy of the signed contract, along with all required support documents, must be attached to the requisition when initiated.

Professional Services Exemption Approval Form

Requester Name	Ellen McGowan	Date	06/30/20	
Phone	x3009	Email	mcgowan@cod.edu	
Title	Business Manager	Department Name	The MAC/Performing Arts	
Divisional Administrator Signature	<i>Diana Martinez</i>	Date Signed	Jul 15, 2020	
Vendor Name	Kirk Muspratt	Contact Name	Kirk Muspratt	
Address	175 East Delaware Place	City	Chicago	ST IL
Phone Number	219-836-0525 ext 205	Email	kmuspratt@hotmail.com	
Total Contract Amount	\$ 112,500			
Type of Service	<input type="checkbox"/> Architectural/Engineering <input checked="" type="checkbox"/> Artistic/Performer <input type="checkbox"/> Consulting <input type="checkbox"/> Environmental <input type="checkbox"/> Financial <input type="checkbox"/> Investigative <input type="checkbox"/> Legal <input type="checkbox"/> IT Other _____			
Scope of Work	Provide artistic vision for the organization. Select repertoire and guest artists (in collaboration with the Director of the McAninch Arts Center). Assist in fund development and sponsor solicitation. Assist in budget development and work within budgetary constraints. Strive to maintain and grow audience and assure good welfare of the organization. Provide direction to orchestra and other staff.			
Skills, Experience, Knowledge, Education Requirements	Kirk Muspratt has a unique combination of expertise and experience in managing a professional orchestra. He has received conductor awards and continues to grow the reputation of New Phil.			
Professional and Business Judgment Requirements	Kirk Muspratt has been the New Phil Orchestra Conductor since 2008. He has continued to run a program that meets revenue goals each year. He maintains budgeted expenses as planned.			
Price Reasonableness	Determined per budget and alignment with staff increases.			

Procurement Services Use Only

☒ Approved

☐ Rejected

Diana Martinez

Diana M. Roberts

7.22.2020

July 15, 2020

Procurement Services Manager Signature

Date

If this is for a service: Include this form with contract for approval and attach it, and approved contract, to your requisition.

If this is for goods: Attach this form to your requisition.

**Performance Agreement between
College of DuPage and Kirk Muspratt**

This Agreement entered into this day March 26, 2020 by and between McAninch Arts Center at College of DuPage, 425 Fawell Boulevard, Glen Ellyn, IL 60137, a body corporate and politic and Kirk Muspratt, through William Reinert, William Reinert Associates, Inc., P.O. Box 1049, Millerton, NY 12546 acting as agent for Kirk Muspratt.

Kirk Muspratt will provide services to College of DuPage as a consultant to New Philharmonic at the McAninch Arts Center. His title shall be Music Director/Conductor of New Philharmonic.

TERM

The term of this agreement shall be from July 1, 2020 through June 30, 2022, which aligns with the funding in the foundation budget.

PAYMENT

Payment to Kirk Muspratt:

\$55,500 year 1 - July 1, 2020- June 30, 2021

\$57,000 year 2 - July 1, 2021 - June 30, 2022

Kirk Muspratt will be provided with local hotel accommodations for no more than 2 nights per year at the Hilton or current MAC preferred hotel.

SERVICES TO BE RENDERED

Services shall include all responsibilities related to Music Director/ Conductor of New Philharmonic.

- Provide artistic vision for the New Philharmonic orchestra programs
- Select repertoire and guest artists (in collaboration with the Director of the McAninch Arts Center)
- Audition and selection of orchestra musicians, singers, artists, directors, and contracted artistic staff
- Assist in fund development and sponsor solicitation
- Assist in budget development and work within budgetary constraints
- Assist in promotion and public relations as requested- Arts Center Director has final approval of all marketing
- Participate, manage and create arts engagement and education activities
- Strive to maintain and grow audience and assure good welfare of the organization
- Provide direction to orchestra including orchestra manager, librarian, and personnel manager (Official supervisory responsibilities will be assigned to COD employees)

A standard concert year shall include but not be limited to:

- The following events:
 - 1 New Year's Eve show – 3 performances
 - 1 pops concert – 3 performances
 - 2 classical concerts – 2 performances each
 - 1 concert opera 2 performances
 - 1 summer pops concert
 - Nutcracker series at the MAC – 4 performances
 - 1 other event – performances
 - Outreach and arts engagement events
 - Young people's concert competition
- All marketing, fundraising, and public relations events associated with the support of these concerts/ productions.

Any outside or additional New Philharmonic engagements shall be addressed separate from this agreement on a per event basis.

Final approval of concert season lies solely with the Director of the McAninch Arts Center.

**Performance Agreement between
College of DuPage and Kirk Muspratt**

RESTRICTIONS

During the term of this contract Kirk Muspratt may accept outside engagements that do not conflict with the interests of the New Philharmonic orchestra rehearsals and performances. If Kirk needs to miss a rehearsal, it is his responsibility to find a replacement and pay that replacement. It is Kirk's responsibility to have any rehearsals recorded and to get notes from any missed rehearsals from his replacement.

It is understood that Kirk Muspratt also serves as the music director of the Northwest Indiana Symphony Orchestra (NISO) and that New Philharmonic and NISO will collaborate artistically; however, the staff, marketing, funding partners, and public relations resources of the McAninch Arts Center and the New Philharmonic will not be directed towards NISO events by Kirk Muspratt or any College of DuPage or New Philharmonic employee without the approval of the Arts Center Director.

LIAISON

While performing, the services outlined in this agreement it is understood that Kirk Muspratt will report to and work with the Director of the McAninch Arts Center and communicate through the established hierarchy and protocol through Orchestra Manager for any administrative, marketing and foundation support.

TAXES

Kirk Muspratt will be responsible for all state and federal taxes due related to income from the above services. No check will be presented without completion of a W-9 form.

INSURANCE

It is understood that Kirk Muspratt is self-employed and must carry at his own cost and expense any insurance coverage, such as, workers' compensation, medical, property, liability, and auto related to the above-mentioned services.

INDEMNIFICATION

Kirk Muspratt agrees to hold College of DuPage, its trustees, officers, directors, agents, successors, and assignees, harmless from any and all losses, damages, injuries, claims, demands, and expenses, including attorney's fees which may arise during the performance of this agreement.

TERMINATION/ RENEWAL

This agreement may be terminated for cause by College of DuPage at any time, in the event that Kirk Muspratt does not fulfill the agreed upon responsibilities, or in the event the New Philharmonic does not meet 80% of its fundraising or sales goals. Performance will be reviewed on an annual basis in March of each year. Both parties shall work in good faith to resolve any concerns that arise during the course of this process. Review/renewal of this agreement will commence in good faith by both parties by January 30, 2022. Both parties understand and accept that renewal is dependent on the financial strength of the MAC and the New Philharmonic Fundraising efforts.

This agreement and attachment 1 (payment schedules) constitutes the entire understanding between the parties. In consideration, thereof, all parties agree to the conditions set forth and above.

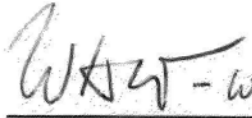
CERTIFICATION

All independent contractors must also certify below regarding the status of any educational loans as required by state law effective January 1, 1988. (Must check one)

- ☒ I certify that I am not in default on an educational loan guaranteed by the State in the amount of \$600.00 or more.
- ☐ I certify that I am in default on an educational loan guaranteed by the State in the amount of \$600.00 or more and I agree to make arrangements for repayment of this loan with the maker or guarantor within six months from the date of this contract.

**Performance Agreement between
College of DuPage and Kirk Muspratt**

I agree with the terms stated above and certify that I have received a copy of the agreement.

 - Wm. Reinert FSD
Kirk Muspratt, Artist *KIRK MUSPRATT*

Date: 7/10/20

Diana Martinez

Diana Martinez
Director, McAninch Arts Center

Date: Jul 15, 2020

Ellen M. Roberts

Ellen Roberts
Interim VP Administrative Affairs, College of DuPage

Date: 7.22.2020

Kirk Muspratt

Music Director, New Philharmonic Orchestra

BO# _____

July 1, 2020- June 30, 2021 (FY2021)

Payment Schedule

Contract Attached

<u>DATE</u>	<u>AMOUNT</u>
July 31, 2020	\$ 4,625.00
August 31, 2020	\$ 4,625.00
September 30, 2020	\$ 4,625.00
October 31, 2020	\$ 4,625.00
November 30, 2020	\$ 4,625.00
December 31, 2020	\$ 4,625.00
January 31, 2021	\$ 4,625.00
February 28, 2021	\$ 4,625.00
March 31, 2021	\$ 4,625.00
April 30, 2021	\$ 4,625.00
May 31, 2021	\$ 4,625.00
June 30, 2021	\$ 4,625.00
TOTAL	\$55,500.00



Kirk Muspratt

Music Director, New Philharmonic Orchestra

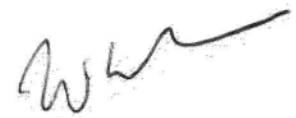
BO# _____

July 1, 2021- June 30, 2022 (FY2022)

Payment Schedule

Contract Attached

<u>DATE</u>	<u>AMOUNT</u>
July 31, 2021	\$ 4,750.00
August 31, 2021	\$ 4,750.00
September 30, 2021	\$ 4,750.00
October 31, 2021	\$ 4,750.00
November 30, 2021	\$ 4,750.00
December 31, 2021	\$ 4,750.00
January 31, 2022	\$ 4,750.00
February 28, 2022	\$ 4,750.00
March 31, 2022	\$ 4,750.00
April 30, 2022	\$ 4,750.00
May 31, 2022	\$ 4,750.00
June 30, 2022	\$ 4,750.00
TOTAL	\$57,000.00



**COLLEGE OF DuPAGE
REGULAR BOARD MEETING**

BOARD APPROVAL

1. **SUBJECT**

Contract to engage an Orchestra Conductor for the July 1, 2020 - June 30, 2022 McAninch Arts Center (MAC) seasons to work with the New Philharmonic Orchestra

2. **REASON FOR CONSIDERATION**

A contract exceeding the statutory bid limit of \$25,000 must be approved by the Board of Trustees.

3. **BACKGROUND INFORMATION**

Kirk Muspratt has served as the Orchestra Conductor for the New Philharmonic since 2008. Mr. Muspratt has a unique combination of expertise and experience in managing a professional orchestra. The current contract will expire on June 30, 2020. The two-year contract is renewed in January so that planning for the next season can begin in a timely manner. The MAC Orchestra Conductor services include:

- Provide artistic vision for the organization
- Select repertoire and guest artists (in collaboration with the Director of the McAninch Arts Center)
- Audition and selection of orchestra musicians, opera artists, directors, and contracted artistic staff
- Assist in fund development and sponsor solicitation
- Assist in budget development and work within budgetary constraints
- Assist in marketing and public relations as requested; Arts Center has final approval of all marketing
- Participate in arts engagement and education activities
- Strive to maintain and grow audience and assure good welfare of the organization
- Provide direction to orchestra including orchestra manager, librarian, and personnel manager. (Official supervisory responsibilities will be assigned to COD employees)

A standard concert year shall include but not be limited to:

- The following events:
 - 1 New Year's Eve show – 3 performances
 - 1 pops concert – 2-3 performances
 - 2 classical concerts – 2 performances each

- 1 concert opera
- 1 summer pops concert
- Nutcracker series at the MAC
- School stage concerts
- Outreach and arts engagement events
- Young people's concert competition
- All marketing, fundraising, and public relations events associated with the support of these concerts/ productions.

This expenditure supports the following goals and objectives of the College's Strategic Long Range Plan:

- Goal #2 Value-Added Education: Going beyond the standard expectations and providing something more to the students and communities we serve.
 - Strategic Objective 2.7: Expand efforts to attract and provide resources to assist nontraditional students to enroll in credit courses, especially those in the 55-plus age group.
- Goal #5 Relationships: Cooperating and collaborating with all stakeholders in order to advance mutual interests.
 - Strategic Objective 5.3: Identify and implement optimal methods of communicating with and engaging all College stakeholders (e.g., alumni, business leaders, elected officials).
 - Strategic Objective 5.4: Utilize internal resources to develop a new College of DuPage brand and implement a communications plan that considers the preferences and needs of students and other internal and external stakeholders.
 - Strategic Objective 5.6: Identify, assess and enhance College of DuPage's community outreach activities, with a focus on the visual and performing arts.
 - Strategic Objective 5.7 Support collaboration, creation and learning by promoting and providing College of DuPage resources to all District 502 residents in DuPage, Will and Cook Counties.

Budget Status

GL Account	FY2020	FY2021-Proposed		
	YTD Spend	Annual Budget	YTD Spend	Available Balance
05-60-11701-5309004	\$ 155,697	\$ 245,235	\$ -	\$ 245,235
<i>AUX New Philharmonic/DOT: Performing Arts Services</i>				
			FY2021 Request	\$ 55,500
			Future Commitments (FY2022)	\$ 57,000
			Total Request	\$ 112,500

**FY2021 Budget not yet adopted. YTD Spend as of 03/31/2020.*

This contract complies with State Statute, Board Policy and Administrative Procedures. The services of individuals possessing a high degree of professional skill

where the ability or fitness of the individual plays an important part is exempt from bidding under Illinois Public Community College Act, 110 ILCS 805/3-27.1(a).

4. RECOMMENDATION

That the Board of Trustees approves a two (2) year (FY21 and FY22) contract for orchestra conductor services for Kirk Muspratt, for a total expenditure not to exceed \$112,500.00.


Staff Contact: Diana Martinez, Director, McAninch Arts Center

SIGNATURE PAGE FOR


Contract to engage an Orchestra Conductor for the July 1, 2020 - June 30, 2022 McAninch
Arts Center (MAC) seasons to work with the New Philharmonic Orchestra

ITEM(S) ON REQUEST

That the Board of Trustees approves a two (2) year (FY21 and FY22) contract for orchestra conductor services for Kirk Muspratt, for a total expenditure not to exceed \$112,500.00.



BOARD CHAIR 6/25/20
DATE



BOARD SECRETARY 6/25/20
DATE

COLLEGE OF DuPAGE
REGULAR BOARD MEETING

BOARD APPROVAL

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Staff Contact: Diana Martinez, Director, McAninch Arts Center

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BOARD CHAIR 6/25/20
DATE



BOARD SECRETARY 6/25/20
DATE