



Department of Emergency Services

Memorandum

14270

DATE: September 23, 2010

TO: Board of Acquisition and Contract

FROM: Anthony W. Sutton, Commissioner of Emergency Services

RE: **Request Authority to amend the April 8, 2010 resolution for an agreement with Business Network of Emergency Resources, Inc. to administer its Corporate Emergency Access System program in the County of Westchester in order to change the term of the agreement**

On December 27, 2007 your Honorable Board approved a resolution (“2007 Resolution”) authorizing the County of Westchester to enter into an agreement with BNET, Inc. to administer its Corporate Emergency Access System program (“CEAS”) in the County of Westchester. That agreement was never executed as there were programmatic and implementation concerns which have since been addressed. On April 8, 2010 your Honorable Board approved a resolution (“2010 Resolution”) that amended the 2007 Resolution in order to change the term of the agreement to a term commencing April 15, 2010 through April 14, 2015 and additionally, to correct the corporation’s name which is Business Network of Emergency Resources, Inc., (“BNET”). In the course of discussions with BNET regarding the contents of the agreement, which has not yet been executed, BNET requested that the agreement not be limited to a five year term. BNET expressed that a limitation of this nature was seen as an impediment to their ability to attract people to the CEAS program.

CEAS is a unique program that will enable (with the County’s guidance and approval) selected private sector entities to pre-designate and credential certain “essential employees” who are critical to continuity of operation plans of the entity, to afford those employees access to facilities in areas that are restricted to public access during emergencies. The CEAS program is designed to help local businesses and industry to, among other things, mitigate damage and loss resulting from a disaster or emergency, recover valuable assets and records and to stabilize and sustain IT, HVAC and security equipment critical to the continued operation of their facilities.

Authority is now sought to change the term so that it will commence upon execution and continue until terminated. Either party will have the ability to terminate the agreement upon

thirty (30) days written notice to the other. All other terms and conditions of the 2007 Resolution, as amended by the 2010 Resolution, shall remain in full force and effect and unchanged.

As your Honorable Board is aware, pursuant to the New York State Executive Law, the Westchester County Executive or his designee may proclaim a local state of emergency. Pursuant to this power, the County Executive may promulgate emergency orders that regulate the occupancy or use of buildings within specified zones and the access to such zones. BNET desires to provide a system whereby, upon order of the County Executive, the employees of private businesses with offices located within a specified emergency zone and employees of related critical support organizations may have access to that zone. The CEAS program was developed by BNET to address these situations. The County and BNET desire to set forth their understanding of the terms and conditions governing the CEAS and under which the County Executive may, at his sole discretion, order its use.

The proposed Agreement between the County and BNET will enhance public safety and general welfare in times of an emergency and will therefore benefit the public good. The Department of Emergency Services shall track and monitor the goals and objectives of the agreement to evaluate the success of the CEAS program's impact on public safety and public health.

Accordingly, I recommend adoption of the annexed proposed Resolution.

AWS/TSA

APPROVED BOARD OF ACQUISITION & CONTRACT - 10-14-2010 - JOMAR VIEIRA, SECRETARY

RESOLUTION

Upon a communication from the Commissioner of Emergency Services, be it hereby

RESOLVED, that the resolution approved December 27, 2007, as amended by the resolution approved April 8, 2010 (the "Resolution"), which authorized an agreement with Business Network of Emergency Resources, Inc.(BNET) to administer its Corporate Emergency Access System program in the County of Westchester is hereby amended to change the term of the agreement from April 15, 2010 through April 14, 2015 to a term commencing upon execution and continuing until terminated and providing either party with the ability to terminate the agreement upon thirty (30) days written notice to the other, and be it further

RESOLVED, that all other terms and conditions of the Resolution shall remain in full force and effect and unchanged; and be it further

RESOLVED, that the County Executive or his authorized designee is authorized and empowered to execute and deliver all instruments and take all actions necessary or appropriate to effectuate the purposes hereof.

Account to be Charged/credited

Fund	Agency	Capital Project Or Org	Object/ Sub Object	Trust Account	Activity	Dollars
						N/A

Budget Funding Year(s) _____ Start Date upon execution End Date until terminated
 (must match resolution)

Funding Source Tax Dollars \$ _____

State Aid _____

\$N/A _____ Federal Aid _____

(must match resolution) Other _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 10-14-2010 - SUMMARY VIEW - SECRETARY