

40503

DATE: May 21, 2014

TO: Board of Acquisition and Contract

FROM: Jay T. Pisco, P.E.
Commissioner of Public Works and Transportation

RE: **Authority for the County of Westchester to enter into a no cost agreement with the City of Yonkers (“City”) to accept a boat deemed surplus by the City (Agreement No. 14-918)**

Attached for your consideration is a resolution that would authorize the County to enter into a no cost agreement with the City of Yonkers (“City”) to accept a boat deemed surplus by the City. The boat, a 2002 Parker Marine Model 2520xl Sport Cabin with twin 2006 4 stroke 225 hp Yamaha engines valued at \$55,000.00, will be utilized by the Department of Health for water sampling along the Long Island Sound and Hudson River. The City’s agreement for the transfer of the boat requires the County to release the City from liability arising from the conveyance of the boat. Specifically, the release reads as follows:

“The County hereby releases and forever discharges the City and its elected officials, officers, employees, agents, successors and assigns and any and all persons, firms or corporations liable or who might be claimed to be liable, whether or not herein named, none of whom admit any liability to the undersigned, but all expressly denying liability, from any and all claims, demands, damages, actions, causes of action or suits of any kind or nature whatsoever, which the County may now have or may hereafter have, arising out of or in any way relating to any and all injuries and damages of any and every kind, to both person and property, and also any and all injuries and damages that may develop in the future, as a result of or in any way relating to conveyance of the boat by the City to the County. This Release shall be binding upon the County, and its elected officials, officers, employees, agents, successors and assigns.”

Additionally, the County will be required to defend, indemnify, and hold the City and elected officials, officers, employees, agents, successors and assigns, harmless, against any claims arising from or related to the conveyance of the boat from the City to the County.

The acquisition of this boat will serve a public purpose by assisting the Department of Health in collecting water samples for testing along the Long Island Sound and Hudson River. Approval of the attached Resolution authorizing the agreement to acquire the boat is respectfully requested.

RESOLUTION

Upon a communication from the Commissioner of Public Works and Transportation, be it hereby

RESOLVED, that the County is authorized to enter into a no cost agreement with the City of Yonkers (“City”) to accept a boat (2002 Parker Marine Model 2520xl Sport Cabin with twin 2006 stroke 225 hp Yamaha engines) deemed surplus by the City; and be it further

RESOLVED, that the agreement with the City shall include a release clause as follows;

“The County hereby releases and forever discharges the City and its elected officials, officers, employees, agents, successors and assigns and any and all persons, firms or corporations liable or who might be claimed to be liable, whether or not herein named, none of whom admit any liability to the undersigned, but all expressly denying liability, from any and all claims, demands, damages, actions, causes of action or suits of any kind or nature whatsoever, which the County may now have or may hereafter have, arising out of or in any way relating to any and all injuries and damages of any and every kind, to both person and property, and also any and all injuries and damages that may develop in the future, as a result of or in any way relating to conveyance of the boat by the City to the County. This Release shall be binding upon the County, and its elected officials, officers, employees, agents, successors and assigns.”; and be it further

RESOLVED, that the agreement with the City shall require the County to defend, indemnify, and hold the City and elected officials, officers, employees, agents, successors and assigns, harmless, against any claims arising from or related to the conveyance of the boat from the City to the County; and be it further

RESOLVED, that the County Executive or his authorized designee is hereby empowered to execute all instruments and take such action as may be reasonably necessary to effectuate the purposes hereof.

Agreement No. 14-918

Account to be Charged/Credited

| Fund | Dept. | Major Program, Program & Phase Or Unit | Object/ Sub Object | Trust Account | Dollars |
|------|-------|--|--------------------|---------------|---------|
| | | | | | N/A |
| | | | | | |
| | | | | | |

Budget Funding Year(s) N/A Start Date: N/A End Date: N/A
 (must match resolution)

Funding Source: Tax Dollars N/A Contractor Federal I.D. No./
 State Aid _____ Social Security No.: _____
 Federal Aid _____ Vendor No.: _____
 (must match resolution) Other _____ Encumbrance No.: _____