

**41890**

August 20, 2014

TO: Board of Acquisition and Contract

FROM: George N. Longworth, Commissioner-Sheriff  
Department of Public Safety

RE: **Authority to enter into:**

- 1) An Agreement with the International Association of Chiefs of Police, Inc. (“IACP”) pursuant to which the IACP will conduct a Faculty Development Workshop training course as well as provide Leadership in Police Organizations (“LPO”) mentoring and instruction to a class of local law enforcement personnel for a term commencing September 8, 2014 and continuing through December 31, 2014 for a total aggregate amount not to exceed \$46,280; and**
- 2) An Agreement with IACP pursuant to which IACP will license to the County LPO instructional materials and trademarks for use by the Department in providing LPO instruction for a term commencing August 1, 2014 and continuing indefinitely unless cancelled by either party on 30 days notice.**

Authority is sought for the County of Westchester (the “County”), acting by and through its Department of Public Safety (the “Department”), to enter into an agreement with the IACP pursuant to which the IACP will conduct a Faculty Development Workshop (“FDW”) training course as well as provide LPO mentoring and instruction to a class of local law enforcement personnel for a term commencing September 8, 2014 and continuing through December 31, 2014. In consideration for services rendered, the County will pay IACP a total aggregate amount not to exceed \$46,280, comprised of an amount not-to-exceed \$17,546 for the FDW training and an amount not-to-exceed \$28,734 for the LPO mentoring, pursuant to an approved budget (the “Agreement”).

Under the terms of the proposed Agreement, IACP will conduct a total of ten (10) days of FDW training and instruction for up to seven (7) participants. This course will focus on the subject of leadership and will be presented to a class composed of Westchester County Department of Public Safety and surrounding departments’ law enforcement personnel. Upon completion of the FDW training, IACP will conduct a total of fifteen (15) days of LPO mentoring and instruction for up to thirty-six (36) participants during the Department’s internally-conducted LPO course. All training and mentoring will be conducted at the Westchester County Police Academy in Valhalla. The FDW

training will take place on select dates between September 8, 2014 and September 19, 2014, while the LPO mentoring will take place on select dates between October 13, 2014 and December 5, 2014. IACP will provide instruction and training materials, excluding text books.

It should be noted that while the total cost of the training and mentoring programs will be in a total aggregate amount not-to-exceed \$46,280, each participating law enforcement agency will be responsible for paying IACP \$900 for each of its employees attending the training. Each agency will submit their payment directly to the Department 30 days prior to the start of the training. The Department, in turn, will remit all payments directly to IACP. Therefore, the County's total share will only be \$6,234.

Authority is also requested for the County, acting by and through the Department, to enter into a license agreement with IACP pursuant to which IACP will license to the County, at no additional cost, LPO instructional materials and trademarks for use by the Department in providing LPO instruction for a term commencing August 1, 2014 and continuing indefinitely unless cancelled by either party on 30 days notice (the "License Agreement"). In consideration for the grant of license, the County will agree, *inter alia*, to use the program materials and trademarked marks for use in the delivery of LPO training strictly in accord with the terms and conditions of the License Agreement and for no other use or purpose. In addition, under the terms of the License Agreement, the County shall be responsible for, *inter alia*, reimbursing IACP for any damages, including attorneys' fees that IACP may be obligated to pay as a result of the County's use of copyrighted materials of third parties without the permission of such parties.

The proposed Agreement and License Agreement are in the public's best interest as they will enable the County to provide a leadership program for executive-level law enforcement officers in Westchester County. This program will not only fill a significant training void in the law enforcement community, but also eliminate the need for agencies to utilize taxpayer funds for the lodging and travel costs usually associated with such training. Furthermore, this training will lay the foundation for selected law enforcement executives within Westchester County to become program instructors, thereby allowing for a more frequent and less costly delivery of future training programs.

The goals and objectives of this program are to facilitate and conduct, in conjunction with the IACP, the delivery of a ten (10) day FDW training program and a fifteen (15) day LPO mentoring program at the Westchester County Police Academy; obtain feedback from course participants by which to assess the value of the course; and identify the most appropriate law enforcement executives to pursue an instructor certification to teach future classes locally.

The goals and objectives of this program will support the public safety and/or welfare by providing law enforcement executives with the most current information available with which to lead their departments. A greater working knowledge of the best practices for planning, organizing, coordinating department operations as well as training, supervising, directing, guiding and motivating employees will lead to more a more professional organization. In turn, increased professionalism will lead to increased productivity, a more efficient use of resources and a reduction in the liability associated with negligent supervision and failure to train.

The goals and objectives of this program will be tracked and monitored by reviewing the program on an ongoing basis for the duration of the contract. The Commanding Officer of the Police Academy will conduct reviews during which feedback is gathered regarding the effectiveness of the program. This information will be reported to the Commissioner of the Department of Public Safety.

Both the Agreement and License Agreement are exempt from the Westchester County Procurement Policy pursuant to Section 3 (a) ix, which exempts “contracts with teachers, lecturers and other educational professionals or experts.”

An appropriate resolution is herewith attached for your Honorable Board’s consideration.

GNL/MJC/cs

Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 09/04/2014 - JOMARY VIERA, SECRETARY

## RESOLUTION

Upon a communication from the Commissioner-Sheriff, Department of Public Safety, be it hereby

**RESOLVED**, that the County of Westchester (the "County"), acting by and through its Department of Public Safety (the "Department"), is authorized to enter into an agreement with the International Association of Chiefs of Police, Inc. ("IACP") pursuant to which the IACP will conduct a Faculty Development Workshop ("FDW") training course as well as provide Leadership in Police Organizations ("LPO") mentoring and instruction to a class of local law enforcement personnel for a term commencing September 8, 2014 and continuing through December 31, 2014 for a total aggregate amount not to exceed \$46,280, comprised of an amount not-to-exceed \$17,546 for the FDW training and an amount not-to-exceed \$28,734 for the LPO mentoring, pursuant to an approved budget (the "Agreement"); and be it further

**RESOLVED**, that while the total cost of the training and mentoring programs under the Agreement will be in a total aggregate amount not-to-exceed \$46,280, each participating law enforcement agency will be responsible for paying IACP \$900 for each of its employees attending the training, which payment will be submitted by the participating law enforcement agencies directly to the Department 30 days prior to the start of the training. The Department, in turn, will remit all payments directly to IACP. Therefore, the County's total share under the Agreement will only be \$6,234; and be it further

**RESOLVED**, that the County, acting by and through the Department, is hereby further authorized to enter into a license agreement with IACP pursuant to which IACP will license to the County, at no additional cost, LPO instructional materials and trademarks for use by the Department in providing LPO instruction for a term commencing on August 1, 2014 and continuing indefinitely unless cancelled by either party on 30 days notice (the "License Agreement"); and

**RESOLVED**, that in consideration for the grant of license, the County will agree, *inter alia*, to use the program materials and trademarked marks for use in the delivery of LPO training strictly in accord with the terms and conditions of the License Agreement and for no other use or purpose; and be it further

**RESOLVED**, that the License Agreement shall contain a provision that will require the County to be responsible for, *inter alia*, reimbursing IACP for any damages, including attorneys' fees, that IACP may be obligated to pay as a result of the County's use of copyrighted materials of third parties without the permission of such parties; and be it further

**RESOLVED**, that the Agreement is subject to County appropriations; and be it further

**RESOLVED**, that the 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 authorized designee, be, and hereby is, authorized to enter into and execute this agreement for the County of Westchester.

Account to be Charged	Fund	Dept.	Major Program, Program & Phase or Unit	Object/ Sub Object	Dollars
	711	38	8002	4380	\$6,230

Budget Funding Years  
(must match resolution)

Start Date Upon Execution

End Date Upon Termination

Funding Source  
\$6,230  
(must match resolution)

Tax Dollars \$ \_\_\_\_\_  
 State Aid \_\_\_\_\_  
 Federal Aid \_\_\_\_\_  
 Other Seized Assets \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT - 09/04/2014 - COUNTY VIEIRAS SECRETARY