

Robert P. Astorino
County Executive

Department of Human Resources

Kerry M. Oristano
Commissioner of Human Resources

45080

DATE: February 25, 2015

TO: Board of Acquisition and Contract

FROM: Helen May
Second Deputy Commissioner of Human Resources

RE: **Resolution authorizing the County of Westchester to enter into a permit agreement with the City School District of New Rochelle for the use of New Rochelle High School to conduct a Civil Service Examination on March 28, 2015, in an amount not to exceed \$5,000, payable pursuant to an approved rate schedule.**

Transmitted herewith is a resolution which, if approved by your Honorable Board will authorize the County of Westchester (the "County") to enter into a permit agreement with the City School District of New Rochelle for the use of New Rochelle High School to conduct a Civil Service Examination of March 28, 2015 at a cost not to exceed \$5,000, payable pursuant to an approved rate schedule (the "Agreement").

The Agreement will include an indemnity provision which will provide as follows:

"Westchester County does hereby covenant [sic], and agree to defend, indemnify and hold harmless the City School District of New Rochelle from and against any and all liability, loss, damages, claims, or actions (including costs and attorneys fees) for bodily injury and/or property damage, to the extent permissible by law, arising out of, or in connection with the actual or proposed use of New Rochelle High School properties, facilities, and/or The District's services by Westchester County and/or the activities, functions, events, affairs on March 28th, 2015."

The proposed agreement is exempt from the County's Procurement Policy and Procedures pursuant to Section 3(b) thereof, as the proposed Agreement is a license for the use of real property.

The goal of the Agreement is to provide a suitable location for the provision of a Civil Service Examination. The Department of Human Resources will monitor the Examination and the Agreement.

Accordingly, I recommend adoption of the annexed Resolution.

HM/DI

RESOLUTION

Upon a communication from the Second Deputy Commissioner of Human Resources, be it hereby

RESOLVED, that the County of Westchester (the "County") is hereby authorized to enter into a permit agreement with the City School District of New Rochelle for the use of New Rochelle High School to conduct a Civil Service Examination on March 28, 2015 at a cost not to exceed \$5,000, payable pursuant to an approved rate schedule (the "Agreement"); and be it further

RESOLVED, that the Agreement will include an indemnity provision which will provide as follows:

"Westchester County does hereby covenant [sic], and agree to defend, indemnify and hold harmless the City School District of New Rochelle from and against any and all liability, loss, damages, claims, or actions (including costs and attorneys fees) for bodily injury and/or property damage, to the extent permissible by law, arising out of, or in connection with the actual or proposed use of New Rochelle High School properties, facilities, and/or The District's services by Westchester County and/or the activities, functions, events, affairs on March 28th, 2015."

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.

Account to be Charged/Credited

| Fund | Dept | Major Program, Program & Phase Or Unit | Object/ Sub-Object | Trust Account | Dollars |
|------|------|--|--------------------|---------------|---------|
| 101 | 12 | 6010 | 4909 | | \$5,000 |
| | | | | | |

Budget Funding Year(s) 2015 Start Date 03-28-15 End Date 03-28-15

Funding Source Tax Dollars \$5,000
 State Aid _____
\$5,000 Federal Aid _____
 (must match resolution) Other _____