

46606

TO: Board of Acquisition and Contract

**FROM: Kunjlata Ashar, M.D.
Medical Examiner/ Pathologist
Department of Labs & Research**

DATE: May 1, 2015

RE: Resolution authorizing the County of Westchester, by and through its Department of Laboratories and Research, to enter into an agreement with the with the City of New York, acting by and through its New York City Department of Health and Mental Hygiene (the "City") pursuant to which the County, will provide water testing services on water samples provided by the City.

The attached resolution, if approved by your Honorable Board, would authorize the County of Westchester, by and through its Department of Laboratories and Research (the "Department"), to enter into an agreement with the with the City of New York, acting by and through its New York City Department of Health and Mental Hygiene (the "City") pursuant to which the County, will provide water testing services on water samples provided by the City. The City has asked the Department for assistance in performing these services as the Department has an accredited laboratory that has the requisite skills and capability to perform these services. The term of the agreement will be for a period of two years, with the City's option to extend the agreement for up to an additional two years. In consideration for these services, the City will pay the County a fee not to exceed \$28,737, which fees shall be billed at the Department's current fee schedule. Under terms of the IMA prepared by the City, the County will defend, hold harmless and indemnify the City, up to an amount not to exceed the total dollar amount paid to the County, from liability upon any and all claims of any kind on account of injuries or death to any person or damages to property on account of any negligence, intentional tort, or failure to comply with the terms of the Agreement by the County, its officers, trustees, employees, agents, servants, or its independent contractors.

This agreement was authorized by the County Board of Legislators under Act No. 2015-66.

The public purpose and goals and objectives of this Agreement are to protect the public by providing water testing services for the water supply distribution system. Since the County is able to perform these testing services and in order to protect the health and welfare of the public at large, I most respectfully request that your Honorable Board approve the attached proposed Resolution.

RESOLUTION

Upon a communication from the Medical Examiner/Pathologist, be it hereby

RESOLVED, that the County of Westchester (the “County”), by and through its Department of Laboratories and Research (the “Department”) is authorized to enter into an agreement with the City of New York, acting by and through its New York City Department of Health and Mental Hygiene (the “City”) pursuant to which the County will provide water testing services on water samples provided by the City for a two year period commencing March 1, 2015, with the City’s option to extend the agreement for an additional two years, for a not to exceed amount of \$28,737.00 to be paid to the County pursuant to the Department’s current fee schedule (the “Agreement”); and be it further

RESOLVED, that the Agreement shall contain a provision wherein the County agrees to defend, hold harmless and indemnify the City, up to an amount not to exceed the total dollar amount paid to the County, from liability upon any and all claims of any kind on account of injuries or death to any person or damages to property on account of any negligence, intentional tort, or failure to comply with the terms of the Agreement by the County, its officers, trustees, employees, agents, servants, or its independent contractors; and be it further

RESOLVED, that the County Executive or his authorized designee is hereby authorized and empowered to execute any and all documents necessary and appropriate to effectuate the purposes hereof.

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
101	31	0010-4100	9067		\$28,737

Budget Funding Year(s):
(must match resolution)

Start Date 3/1/15

End Date 2/28/17

Funding Source

Tax Dollars _____

State Aid _____

\$ 28,737

Federal Aid _____

(must match resolution)

Other Revenue - \$28,737