



Department of Emergency Services

Memorandum

67158

DATE: January 14, 2019

TO: Board of Acquisition and Contract

FROM: John Cullen, Commissioner of Emergency Services

RE: Authority to further amend an agreement with the New York State Division of Homeland Security and Emergency Services (“DHSES”) pursuant to which DHSES loaned to the County of Westchester the hardware, software and user subscription service for Mutualink Edge, an interoperable communications resource, in order to extend the term of the agreement through January 31, 2021.

On July 2, 2015, your Honorable Board approved a resolution which authorized the County of Westchester (“County”), acting by and through its Department of Emergency Services (the “Department”), to enter into an agreement with DHSES pursuant to which DHSES would temporarily loan to the County the hardware, software and user subscription service for Mutualink Edge, an interoperable communications resource which would allow the County to communicate with the State of New York and other jurisdictions on a common platform for emergency management and public safety planning and response purposes, for a term commencing on the first Monday immediately following approval of the agreement by the Office of State Comptroller and terminating twelve (12) months thereafter (the “Agreement”). The Agreement was at no cost to the County, provided, however, that the County would be responsible for all peripheral costs associated with use of the equipment, including internet and mobile data access, in addition to preparing, packing and transporting the equipment for return to DHSES following the expiration of the Agreement. The Agreement was duly executed.

Thereafter, by resolution approved on February 23, 2017, your Honorable Board authorized the County to amend the Agreement with DHSES in order to extend the term thereof through January 31, 2018 (the “First Amendment”). The First Amendment was subsequently executed.

DHSES has recently notified the Department that it is extending the term of the Agreement through January 31, 2021. Accordingly, authorization is now requested to further amend the Agreement with DHSES in order to extend the term thereof through January 31, 2021. All other material terms and conditions of the agreement shall remain the same and in full force and effect.

It should be noted that pursuant to the terms of the Agreement, as hereby amended, the County will be required to indemnify and hold harmless the State of New York for any claims arising out of the use and deployment of the interoperable communications resources.

The Agreement is exempt from the Westchester County Procurement Policy pursuant to section 3(a)iii which exempts “transactions or contracts with the United States of America, any State, and any political subdivision, agency or instrumentality thereof.”

The Agreement will serve a public purpose by enhancing the County’s emergency management and public safety planning and response capabilities.

The goals and objectives of the Agreement are to provide an interoperable communications resource that will enable the County to communicate with the State of New York and other jurisdictions on a common platform for emergency management and public safety planning and response purposes.

The goals and objectives are in the best interests of the County in terms of public safety as the interoperable communications equipment will enhance the County’s ability to coordinate the delivery of emergency response resources with other jurisdictions, thereby decreasing response time. The Department will track and monitor the goals and objectives of the agreement in order to evaluate the success of the program’s impact on public safety and public health.

Approval of the attached resolution by your Honorable Board is respectfully requested.

JMC/LL/jpg
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 02/07/2019 - LISA MARIJAJ, SECRETARY

RESOLUTION

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

RESOLVED, that the County of Westchester (“County”) acting by and through the Department of Emergency Services (the “Department”), is authorized to further amend an agreement with the New York State Division of Homeland Security and Emergency Services (“DHSES”) pursuant to which DHSES agreed to temporarily loan to the County the hardware, software and user subscription service for Mutualink Edge, an interoperable communications resource which will allow the County to communicate with the State of New York (the “State”) and other jurisdictions on a common platform for emergency management and public safety planning and response purposes (the “Agreement”), in order to extend the term of the Agreement through January 31, 2021; and be it further

RESOLVED, that pursuant to the terms of the Agreement, as hereby amended, the County will be required to indemnify and hold harmless the State of New York for any claims arising out of the use and deployment of the interoperable communications resources; and be it further

RESOLVED, all other material terms and conditions of the Agreement shall remain the same and in full force and effect; and be it further

RESOLVED, that the County Executive or his authorized designee is hereby authorized to execute any documents and take any actions reasonably necessary and appropriate to effectuate the purposes of this Resolution.

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) _____ Start Date upon execution End Date 1/31/21
(must match resolution)

Funding Source Tax Dollars _____
 State Aid _____
N/A Federal Aid _____
(must match resolution) Other _____