

George Latimer
County Executive

75615

Date: March 25, 2020

To: The Honorable Board of Acquisition and Contract

From: George Latimer
County Executive

RE: Authority for the County of Westchester to enter into a short-form license agreement with YWCA White Plains and Central Westchester, Inc. for the County to operate a childcare center for the children of first responders and healthcare workers and providing that the County shall indemnify the YWCA.

Authority is sought for the County of Westchester ("County" to enter into a short-form license agreement with the YWCA White Plains and Central Westchester, Inc. ("YWCA") for the County to operate a childcare center for the children of first responders and healthcare workers at the YWCA's offices ("Licensed Premises") for a term from on or about March 25, 2020 through April 24, 2020, for an amount not to exceed \$18,400.00 payable pursuant to an approved budget.

As your Honorable Board is aware, short-form contracts for amounts less than \$35,000 do not generally require the approval of your Honorable Board unless those contracts contain provisions that would potentially put the County at risk, such as this agreement, which contain an indemnification clause. As such, the agreement requires approval of your Honorable Board.

The proposed agreement will provide that the County, at its own expense, will defend, indemnify and hold harmless the YWCA, its successors, assigns, officers, directors, agents and employees (collectively, "Indemnitees") from and against any and all claims, actions, damage, loss, liability, costs and expenses of any kind (including reasonable attorneys' fees) (collectively, "Loss") incurred by or asserted against Indemnitees and arising from the willful acts and/or negligence of County's officers, employees, agents, representatives, and individuals participating in County's use and operation of the Licensed Premises.

This agreement is exempt from the requirements of the Westchester County Procurement Policy pursuant to Section 3(b) thereof.

Office of the County Executive

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The goals and objectives of this agreement are to provide childcare for the children of healthcare workers and first responders in Westchester County.

The agreement will be tracked and monitored by the Department of Social Services.

Accordingly, your favorable action on the annexed Resolution is most respectfully urged and recommended.

GL/DLV/dv

APPROVED BOARD OF ACQUISITION & CONTRACT - 03/26/2020 - LISA MRIJAJ, SECRETARY

RESOLUTION

Upon a communication from the County Executive, be it hereby

RESOLVED, that the County of Westchester (“County”) is hereby authorized to enter into a short-form license agreement with the YWCA White Plains and Central Westchester, Inc. (“YWCA”) for the County to operate a childcare center for the children of first responders and healthcare workers at the YWCA’s offices (“Licensed Premises”) for a term from on or about March 25, 2020 through April 24, 2020, for an amount not to exceed \$18,400.00 payable pursuant to an approved budget; and be it further

RESOLVED, that the proposed agreement shall provide that the County, at its own expense, shall defend, indemnify and hold harmless the YWCA, its successors, assigns, officers, directors, agents and employees (collectively, “Indemnitees”) from and against any and all claims, actions, damage, loss, liability, costs and expenses of any kind (including reasonable attorneys’ fees) (collectively, “Loss”) incurred by or asserted against Indemnitees and arising from the willful acts and/or negligence of County’s officers, employees, agents, representatives, and individuals participating in County’s use and operation of the Licensed Premises; and be it further

RESOLVED, that the County Executive or his duly appointed designee be, and hereby is, authorized to take such action and execute such documents as may be necessary and proper to effect the purposes hereof.

Account to be Charged/credited	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	101	22	0010	4998		\$18,400

Budget Funding Year(s) 2020 Start Date March 25, 2020 End Date April 24, 2020
 (must match resolution)

Funding Source Tax Dollars \$18,400
 State Aid _____
 \$ 18,400 Federal Aid _____
 (must match resolution) Other _____