

76306

DATE: April 28, 2020

TO: Board of Acquisition and Contract

FROM: Sherlita Amler, MD
Commissioner of Health

RE: Authorization to Enter into an Agreement with the New York State Department of Health to Accept Continued Funding for the Drinking Water Program Local Assistance Funding Enhancement Grant, for the period from April 1, 2020 through March 31, 2025 for the total amount not-to-exceed \$932,385, pursuant to an approved budget, and to defend and indemnify the New York State Department of Health as described below

The County of Westchester (the "County"), acting by and through its Department of Health (the "WCDH"), seeks authorization to enter into an agreement with the New York State Department of Health ("NYSDOH") to accept continued funding for the Drinking Water Program Local Assistance Funding Enhancement ("DWE") grant, for the period from April 1, 2020 through March 31, 2025 in the total amount not-to-exceed \$932,385, pursuant to an approved budget.

This agreement will also require the County to indemnify the New York State Department of Health as follows:

"The Contractor shall be solely responsible and answerable in damages for any and all accidents and/or injuries to persons (including death) or property arising out of or related to the services to be rendered by the Contractor or its subcontractors pursuant to this Master Contract. The Contractor shall indemnify and hold harmless the State and its officers and employees from claims, suits, actions, damages and cost of every nature arising out of the provision of services pursuant to the Master Contract."

The public purpose of this contract is to promote the public health and welfare of County residents by performing regulatory oversight and issuance of operating permits for all impacted public water supplies.

The goal of this program is to enhance the County's Drinking Water Enhancement program through elimination of known public health hazards, investigation of potential waterborne disease outbreaks attributable to drinking water supplies and enforcement of the federal Safe Drinking Water Act.

Continuation of the Drinking Water Enhancement program ensures that drinking water supplies receive annual operating permits from the WCDH, provided that the water supplies comply with both Part 5 of the New York State Sanitary Code and Chapter 873 Article VIII of the Westchester County Sanitary Code. The WCDH is responsible for ninety-three (93) community water supplies and one hundred ninety-three (193) non-community and non-transient community water supplies.

This program is monitored by conducting water sample testing for bacteriological, organic and inorganic chemicals, review of monthly operating and annual water quality reports and emergency response and vulnerability assessment. Status reports are submitted to NYSDOH on a bi-annual basis.

I certify that my department, a.) has copies of, or access to, all applicable laws, rules, regulations, grant applications, and grant agreements (including any master grant agreement), as well as any guidance or instructions received from the agency making the grant (the "Grant Terms"), b.) has reviewed the Grant Terms, c.) is aware of and understands all of the Grant Terms, and d.) can and will comply with all of the Grant Terms.

Your approval of the attached resolution is respectfully requested.

/dc
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/12/20 - LIC/AMRIJAJ, SEC 87(2)(b)

RESOLUTION

UPON A COMMUNICATION FROM THE COMMISSIONER OF HEALTH, be it hereby

RESOLVED, that the County of Westchester (the "County"), acting by and through its Department of Health ("WCDH"), is authorized to enter into an agreement with the New York State Department of Health to accept continued funding for the Drinking Water Program Local Assistance Funding Enhancement grant for the period from April 1, 2020 through March 31, 2025, in the total amount not-to-exceed \$932,385, pursuant to an approved budget;

and, be it further

RESOLVED, that the agreement will also require the County to indemnify the New York State Department of Health as follows:

"The Contractor shall be solely responsible and answerable in damages for any and all accidents and/or injuries to persons (including death) or property arising out of or related to the services to be rendered by the Contractor or its subcontractors pursuant to this Master Contract. The Contractor shall indemnify and hold harmless the State and its officers and employees from claims, suits, actions, damages and cost of every nature arising out of the provision of services pursuant to the Master Contract"; and, be it further

RESOLVED, that the County Executive or his duly authorized designee be and hereby is authorized and empowered to execute all appropriate contracts or documents necessary to effectuate the purposes of this resolution in the manner prescribed by law.

Department of Health
 County of Westchester
 10 County Center Road
 White Plains, New York 10607
 April 28, 2020

Original Agreement	\$
First Amendment	\$
This Amendment	\$ _____
TOTAL	\$

Agreement #

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub-Object	Trust Account	Dollars
	263	27	419V	9854	T419	\$186,477
	263	27	419W	9854	T419	\$186,477
	263	27	419X	9854	T419	\$186,477
	263	27	419Y	9854	T419	\$186,477
	263	27	419Z	9854	T419	\$186,477

Budget Funding Year(s)
 (must match resolution) 2020-2025 Start Date 4/1/2020 End Date 3/31/2025

Funding Source	Tax Dollars	
	State Aid	NYSDOH Grant
	Federal Aid	
	Other	

\$932,385
 (must match resolution)