

#50564

TO: Honorable Members of the Board of Acquisition and Contract

FROM: Mary Mahon
Commissioner of Human Resources

DATE: January 15, 2016

SUBJECT: Resolution authorizing the County of Westchester (the "County") to enter into an agreement with the Scarsdale Union Free School District (the "District") pursuant to which the District will grant the County a permit to use 47 classrooms at Scarsdale High School on April 9, 2016 to administer a civil service exam for correction officer candidates for a total fee of \$13,018.

The County of Westchester, acting by and through its Department of Human Resources (the "Department"), is requesting authority to enter into an agreement with the Scarsdale Union Free School District (the "District") pursuant to which the District will grant to the County a permit to use 47 classrooms at Scarsdale High School on April 9, 2015 to administer a civil service exam for correction officer candidates (the "Agreement"). In consideration for the grant of permit, the County shall pay the District a fee of \$13,018.

Pursuant to the terms of an addendum to be attached to the Agreement, the County will also agree to "defend and indemnify the District for accidents or claims arising from the County's use of the District's facilities."

The Agreement is in the County's best interest because the exam process assists in selection of fit employees to serve our constituents. The goals and objectives of the agreement are to conduct examinations to help fill job openings in an equitable fashion. The Agreement's progress shall be tracked through direct supervision by the County.

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

Accordingly, I most respectfully recommend the adoption of the annexed Resolution.

MM/JPG/km

RESOLUTION

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

RESOLVED, that the County of Westchester ("County"), acting by and through its Department of Human Resources (the "Department"), is hereby authorized to enter into an agreement with the Scarsdale Union Free School District (the "District") pursuant to which the District will grant the County a permit to use 47 classrooms at Scarsdale High School on April 9, 2016 to administer a civil service exam for correction officer candidates for a total fee of \$13,018 (the "Agreement"); and be it further

RESOLVED, that pursuant to the terms of an addendum to be attached to the Agreement, the County will also agree to "defend and indemnify the District for accidents or claims arising from the County's use of the District's facilities"; and be it further

RESOLVED, that this Agreement is subject to County appropriations; and be it further

RESOLVED, that this Agreement is also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Contractor, then the Contractor shall have the right to terminate this Agreement upon reasonable prior written notice, and be it further

RESOLVED, that the County Executive or his authorized designee is authorized and empowered to execute and deliver all instruments and take all actions necessary or appropriate to effectuate the purposes hereof.

Account to be Charged/credited	Fund	Agency	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	101	12	6010	4909		\$13,018

Budget Funding Year(s) 2016 Start Date 04-09-16 End Date 04-09-16
 (must match resolution)

Funding Source Tax Dollars \$13,018
 State Aid _____
\$13,018 Federal Aid _____
 (must match resolution) Other _____

Scarsdale Union Free School District Facilities Department

RENTAL AGREEMENT



- The public schools are primarily designated for the education of the District's school children. However, they may be available for use by a non-school group provided:
 - not less than 50% of the membership of such group consists of District residents
 - such group generally serves other needs of children and/or the welfare of the District
- Applications from non-school groups who will charge admission or raise funds will be considered only if the net proceeds are to be applied for educational or charitable purposes as required by law.
- No alcoholic beverages, illegal drugs, or smoking are allowed in school buildings or on school grounds at any time.
- The Board of Education requires users of a district facility to provide evidence of liability insurance in the amount of \$1,000,000 covering the facility and its use. AN ORIGINAL CERTIFICATE OF INSURANCE SHALL BE FURNISHED BY THE APPLICANT PRIOR TO USE OF THESE FACILITIES. The Certificate must indicate that the SCARSDALE UNION FREE SCHOOL DISTRICT IS THE CERTIFICATE HOLDER AND ADDITIONAL INSURED. An application submitted without a certificate of insurance will be returned to the applicant. The district is not responsible for delays and conflicts in booking the facility caused by failure of the user to submit the appropriate documentation.
- Users will be charged rental fees and for necessary custodial services if a custodian is not otherwise assigned to the building during the usage period. A schedule of charges is attached. Charges are based on space, time and services, as well as the number of custodians assigned for setup and cleanup. There will be a 3-hour minimum charge if a custodian is required to open school. If time or space use is increased, or if more labor is required, charges will be increased accordingly.

PLEASE BE ADVISED THAT ALL REQUESTS FOR FACILITIES USAGE ARE SUBJECT TO FINAL APPROVAL BY THE BUILDING PRINCIPAL AND THE FACILITIES DEPARTMENT AND THAT THE BOARD OF EDUCATION MAY AT ITS DISCRETION CANCEL THIS PERMIT AT ANYTIME.

I understand and agree to the above conditions for rental of school facilities.

Signature Kim M. Onofredo 6-25-12 Phone (914) 995-2101
Commissioner of Human Resources

Address 148 MARTINE AVE, SUITE 100 Organization WESTCHESTER COUNTY
WHITE PLAINS, NY 10601 DEPT. OF HUMAN RESOURCES

FOR OFFICE USE ONLY

Insurance Certificate Received Approved Building Principal _____

Charges Space _____ Approved John E. Trubel
 Overtime _____ Facilities Department _____

Other _____

Rental fees

\$20 per hour per room : 40 rooms

Custodial Staff: \$67.00 per hour: 5 staff

Pre-test setup [1 custodial staff]: est. 3-4
hours

Expected hours [event date] : 10 hours

Estimated Cost:

Rooms	\$ 8,000.00
Custodial Staff	\$ 3,618.00
Estimated Total:	\$ 11,618.00

ADDENDUM TO AGREEMENT RE CANCELLATION OF EVENT:

If the event is cancelled within 24 hours of the start date and time shown on the rental agreement, the lessor will be liable for payment of three hours of custodial overtime for each scheduled custodial worker as determined by the District. Appropriate overtime rates will apply to this calculation for weekend events.

ON BEHALF OF THE SCARSDALE UNION FREE SCHOOL DISTRICT

By: John E Trenholm III

Name (printed) JOHN E TRENHOLM III

Title (printed) DIRECTOR OF FACILITIES

ON BEHALF OF THE COUNTY OF WESTCHESTER

By: Kerry M. Oristano
Comm HR

Name (printed) KERRY M. ORISTANO

Title (printed) Commissioner of Human Resources

ADDENDUM

ADDENDUM to the "Rental Agreement" (the "Agreement") dated the 25 day of June, 2012, by and between the County of Westchester (the "County") and the Scarsdale Union Free School District (hereinafter "Scarsdale").

Notwithstanding anything to the contrary contained within the Agreement, each of the parties hereby acknowledges and agrees that:

1. In the event of any conflict between the terms of the Agreement and its attachments, it is understood that the terms of this Addendum shall prevail.
2. Section 1 of the Agreement is hereby deleted in its entirety.
3. The following sentence shall be added to the conclusion of, and made a part of Section 4 of the Agreement:

The County may, in lieu of procuring and maintaining the aforesaid insurance, elect to obtain such coverage through a program of self insurance, which coverage and program shall be in accordance with generally accepted standards for similarly situated entities.

4. All other terms and conditions shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands, as of the day and year first written above.

SCARSDALE UNION FREE SCHOOL DISTRICT

By: John E. Trenholm, Jr.
Name: JOHN E. TRENHOLM, JR.
Title: DIRECTOR OF FACILITIES

THE COUNTY OF WESTCHESTER

By: Kerry M. Oristano
Name: KERRY M. ORISTANO
Title: COMMISSIONER OF HR
6-25-12

Approved as to form and manner of execution

[Signature]
Assistant County Attorney
County of Westchester

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ACKNOWLEDGMENT

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

On the 2nd day of July in the year 2012 before me, the undersigned, a Notary Public in and for said State, John E. Trenholm personally appeared, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she/he executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person on behalf of which the individual acted, executed the instrument and acknowledged, if operating under any trade name, that the certificate required by the New York State General Business Law Section 130 has been filed as required therein.

Jane Ciardi 7/2/12
Notary Public Date

JANE CIARDI
Notary Public, State of New York
Qualified in Westchester County
No. 4957486
My Commission Expires 10/16/13

Scarsdale Union Free School District
APPLICATION FOR FACILITIES RENTAL

JUNE 11, 2012
Date

WESTCHESTER COUNTY DEPT OF H.R.
Name of Group

KERRY M. CRISTANO
Applicant (Scarsdale resident)

148 MARTINE AVE, WHITE PLAINS, NY
Applicant address Home Phone

Person to be billed if different from applicant

HIGH SCHOOL
School requested

6:00 AM TO 5:00 PM
Hours of use (From/to)

Please list requested rooms and space ALL CLASSROOMS

Purpose of use To administer Westchester County Police Officer examination.

Custodial services needed _____

Will equipment be brought onto school grounds? Yes _____ No
If yes, please list items and explain use _____

WE ARE REQUESTING USE OF AN AUDITORIUM		
Type of function: Guest Speaker _____	Expected size of audience _____	
Panel Discussion _____		
Performance _____		
EQUIPMENT AND SERVICES REQUIRED (added charge may apply)		
Sound System _____	Lighting _____	Piano _____
Movie Projector _____	Slide Projector _____	Overhead Projector _____
Stage Manager _____	Other (please explain) _____	
WE WILL BE SERVING FOOD Yes _____ No _____		
ADDITIONAL COMMENTS/ EXPLANATIONS _____		

[Signature]
Principal's Signature of Approval

N/A
Admission fee or donation (Y or N)

N/A
Disposition of admission fee

FTK1@WESTCHESTERGOV.COM 995-2200
E-mail address Day phone

148 MARTINE AVE, SUITE 100, WHITE PLAINS NY 10601
Address of person to be billed

NOVEMBER 17, 2012
Date requested

6:00 AM
Time building to be opened