

52673

Date: August 31, 2016

To: The Honorable Board of Acquisition and Contract

From: Robert P. Astorino
County Executive

Re: Resolution authorizing the County of Westchester to execute an indemnification agreement with Sarah Lawrence College in connection with a permit to hold a swearing-in ceremony for Legislator-elect David Tubiolo on Thursday, September 8, 2016, in the Reisinger Auditorium.

The County of Westchester seeks to enter into a permit agreement with Sarah Lawrence College (the "College") for the purpose of holding a swearing-in ceremony for Legislator-elect David Tubiolo on Thursday, September 8, 2016, in the Reisinger Auditorium at the College. Before the College will grant the permit to the County, it requires that the County execute an indemnification agreement (the "Agreement").

Pursuant to the terms of the Agreement, "the County, its agents, employees, subcontractors and consultants will agree, to the fullest extent permitted by law, to defend, indemnify and hold harmless the College, its officers, employees, current and former trustees, agents and representatives from and against any and all claims, demands, damages, liabilities, expenses, losses of every nature and kind, including but not limited to attorney's fees and costs, (collectively, "Claims") sustained or alleged to have been sustained in connection with or arising out of the event to be held on Thursday, September 8, 2016, in the Reisinger Auditorium at the College, even in the event the College is alleged or found to be partially negligent. However, Westchester County shall not be obligated to so indemnify the College in the event the College is proven to be solely negligent."

The Agreement will serve a public purpose by providing the County with a suitable venue to hold a swearing-in ceremony for a new County legislator.

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.

RESOLUTION

Upon a communication from the County Executive, be it hereby

RESOLVED, that the County of Westchester (the "County") is hereby authorized to execute an indemnification agreement with the Sarah Lawrence College (the "College") in connection with a permit to hold a swearing-in ceremony for Legislator-elect David Tubiolo on Thursday, September 8, 2016 in the Reisinger Auditorium at the College (the "Agreement"); and be it further

RESOLVED, that pursuant to the terms of the Agreement, "the County, its agents, employees, subcontractors and consultants will agree, to the fullest extent permitted by law, to defend, indemnify and hold harmless the College, its officers, employees, current and former trustees, agents and representatives from and against any and all claims, demands, damages, liabilities, expenses, losses of every nature and kind, including but not limited to attorney's fees and costs, (collectively, "Claims") sustained or alleged to have been sustained in connection with or arising out of the event to be held on Thursday, September 8, 2016, in the Reisinger Auditorium at the College, even in the event the College is alleged or found to be partially negligent. However, Westchester County shall not be obligated to so indemnify the College in the event the College is proven to be solely negligent"; 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

Budget Funding Year(s) __ Start Date __ End Date __
(must match resolution)

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