



Department of Emergency Services

Memorandum

61255

Date: January 31, 2018

To: The Honorable Board of Acquisition and Contract

From: John M. Cullen
Commissioner of Emergency Services

Re: **Authority to enter into an agreement with Consolidated Edison Company of New York, Inc. ("Con Edison") pursuant to which Con Edison will donate to the County a Natural Gas Hazard Awareness Training Prop, valued at approximately \$10,000, to be installed at the Westchester Fire Training Center and used by local firefighters to practice the skills necessary to safely mitigate natural gas leak emergencies, in exchange for which the County will agree to indemnify and hold harmless Con Edison.**

Attached hereto is a Resolution, which, if approved by your Honorable Board, would authorize the County of Westchester, acting by and through its Department of Emergency Services (the "Department"), to enter into a agreement (the "Agreement") with Consolidated Edison Company of New York, Inc. ("Con Edison"), pursuant to which Con Edison will donate to the County a Natural Gas Hazard Awareness Training Prop (the "Training Prop"), valued at approximately \$10,000, to be used by local firefighters to practice the skills necessary to safely mitigate natural gas leak emergencies.

Con Edison will design, construct and install the Training Prop at the County's Fire Training Center in Valhalla. Upon completion of the construction and installation of the Training Prop, Con Edison will grant and convey to the County, without charge, all of Con Edison's right, title, and interest in and to the Training Prop. In consideration for its donation of the Training Prop, and following transfer of the Training Prop to the County, the County will be obligated to indemnify, defend, and hold harmless, Con Edison, its affiliates and their respective trustees, directors, officers, agents, employees, successors and assigns, from and against, any and all claims, suits, losses, costs, liabilities, damages, and expenses (including, but not limited to, reasonable attorneys' fees and legal costs), for injury to or the death of persons or any loss of or damage to property, or any fine, penalty or forfeiture, resulting, in whole or in part, from or relating to Training Prop, regardless of whether such injury, death, loss, or damage is caused, in whole or in part, by any act, omission, or negligence of Con Edison or any of its affiliates or non-parties.

By a separate Resolution of even date herewith, your Honorable Board approved the exemption of this proposed agreement from the Westchester County Procurement Policy in accordance with Section 3(a)xxi thereof.

It should be noted that in accordance with §209.101(11) of the Laws of Westchester County, my Department will also file with the Board of Legislators a gift acceptance letter.

The proposed Training Prop will serve a public purpose by enabling local firefighters to acquire the skills necessary to safely mitigate natural gas leak emergencies to protect life and property.

Accordingly, I most respectfully recommend approval of the attached Resolution.

JMC/JW/jpg
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 03/04/2018 - LSS MRJAS SECRETARY

RESOLUTION

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

RESOLVED, that the County of Westchester is authorized to enter into an agreement with Consolidated Edison Company of New York, Inc. (“Con Edison”), pursuant to which Con Edison will donate to the County a Natural Gas Hazard Awareness Training Prop (the “Training Prop”), valued at approximately \$10,000, to be installed by Con Edison at the Westchester Fire Training Center and used by local firefighters to practice the skills necessary to safely mitigate natural gas leak emergencies; and be it further

RESOLVED, that in consideration for its donation of the Training Prop, and following transfer of same to the County, the County will agree to indemnify, defend, and hold harmless, Con Edison, its affiliates and their respective trustees, directors, officers, agents, employees, successors and assigns, from and against, any and all claims, suits, losses, costs, liabilities, damages, and expenses (including, but not limited to, reasonable attorneys’ fees and legal costs), for injury to or the death of persons or any loss of or damage to property, or any fine, penalty or forfeiture, resulting, in whole or in part, from or relating to Training Prop, regardless of whether such injury, death, loss, or damage is caused, in whole or in part, by any act, omission, or negligence of Con Edison or any of its affiliates or non-parties; 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	Agency	Capital Project Or Org	Object/ Sub Object	Trust Account	Activity	Dollars
							N/A

Budget Funding Years N/A

Start Date n/a

End Date n/a

Funding Source
\$ n/a
(must match resolution)

Tax Dollars _____
State Aid _____
Federal Aid: _____
Other _____