

66584

DATE: December 11, 2018

TO: The Honorable Board of Acquisition and Contract

FROM: Thomas A. Gleason
Acting Commissioner-Sheriff

RE: **Authority for County of Westchester (the “County”), acting by and through its Department of Public Safety (the “Department”), to enter into an agreement with the State of New York, acting by and through its Department of Transportation (“NYSDOT”), which will be retroactive from March 1, 2007 through December 31, 2018, in order for the County to be reimbursed for the costs associated with providing dispatching services for NYSDOT’s Highway Emergency Local Patrol program (“HELP”).**

Attached for your consideration is a Resolution which, if approved by your Honorable Board, would authorize the County of Westchester (the “County”), acting by and through its Department of Public Safety (the “Department”), to enter into an agreement (“Agreement”) with the State of New York, acting by and through its Department of Transportation (“NYSDOT”), which will be retroactive from March 1, 2007 through December 31, 2018, in order for the County to be reimbursed for the costs associated with providing dispatching services for NYSDOT’s Highway Emergency Local Patrol program (“HELP”).

By Resolution of Your Honorable Board on June 13, 2002, the County was authorized to, and did, enter into an agreement with NYSDOT from March 1, 2002 through February 28, 2007 (the “2002-2007 Agreement”), pursuant to which the County provided the services of one Communications Operator to coordinate the activities of the HELP contractor on the Bronx River, Hutchinson River, Cross County, and Saw Mill River Parkways. Parkway dispatching services for NYSDOT’s Highway Emergency Local Patrol program. The County also provided the associated communications station for the Communications Operator and the HELP contractor, and provided appropriate services to the HELP contractor whenever incidents occurred (the “HELP Dispatch Services”). In consideration for the HELP Dispatch Services during the term of 2002-2007 Agreement, NYSDOT paid the County \$231,384.

From March 1, 2007, after termination of the 2002-2007 Agreement, to date, the County has continued to provide the HELP Dispatch Services with the understanding that there would be a subsequent agreement with NYSDOT whereby the County would be compensated for the services. The proposed Agreement, if authorized by Your Honorable Board, will allow the County to be reimbursed by NYSDOT for the HELP Dispatch Services performed from March 1, 2007 through December 31, 2018 in the amount of \$744,784.00.

The proposed Agreement will contain an indemnification clause as follows (The County is referred to as the "Municipality"):

"The Municipality shall indemnify the State and its employees against and hold them harmless from any and all claims, actions, suits, proceedings, costs expenses, judgements, damages and liabilities, including reasonable attorney's fees arising out of or resulting from the acts or omissions of the Municipality, its contractors, subcontractors, agents or employees, relating to the project."

The proposed Agreement is in the public's best interest and will promote the safety and general welfare of the public by providing the County with reimbursement for these important services already provided to the public. The goals and objectives of this program are the enhancement of the public safety and security of the County's residents, and said goals and objectives have been and will continue to be monitored by Department staff.

The Agreement is not a procurement. Therefore, the terms of the County's Procurement Policy do not apply.

Accordingly, authority is respectfully requested for the County to enter into this Agreement in accordance with the attached Resolution.

TAG/LKC/jrc
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT ADMINISTRATION - JOAN C. CIPRIANO, SECRETARY

RESOLUTION

Upon a communication from the Acting Commissioner of Public Safety, it is hereby

RESOLVED, that authority is hereby granted to the County of Westchester (the “County”), acting by and through its Department of Public Safety, to enter into an agreement (“Agreement”) with the State of New York, acting by and through its Department of Transportation (“NYSDOT”), which will be retroactive from March 1, 2007 through December 31, 2018, in order for the County to be reimbursed for the costs associated with providing dispatching services for NYSDOT’s Highway Emergency Local Patrol program in the amount of \$744,784.00; and be it further

RESOLVED, that the Agreement shall contain the following provision (The County is referred to as the “Municipality”):

“The Municipality shall indemnify the State and its employees against and hold them harmless from any and all claims, actions, suits, proceedings, costs expenses, judgements, damages and liabilities, including reasonable attorney’s fees arising out of or resulting from the acts or omissions of the Municipality, its contractors, subcontractors, agents or employees, relating to the project”; and be it further

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

<u>Account to be Charged/Revenue</u>	<u>Fund</u>	<u>Dept.</u>	<u>Major Program, Program & Phase or Unit</u>	<u>Revenue</u>	<u>Trust Account</u>	<u>Dollars</u>
	101	38	2000	9734		744,784.00

Budget Funding Year(s): 2007-2018_____

Start Date: 3/1/2007_End Date:12/31/2018

Funding Source : New York state \$ 744,784.00

\$ 744,784.00
(must match resolution)
