

70234

June 14, 2019

TO: Honorable Members of the Board of Acquisition and Contract

FROM: Thomas Gleason
Acting Commissioner/Sheriff
Department of Public Safety

RE: Authority to amend an agreement with the New York State Thruway Authority whereby the Department of Public Safety agreed to provide marine patrol services during the New NY Bridge Project to replace the Tappan Zee Bridge from August 18, 2014 through July 31, 2018 with the Authority having the sole option to extend the Agreement for two additional one year periods, in order to retroactively extend the term thereof for the period from August 1, 2018 through July 31, 2019 and to further extend the term thereof for the period from August 1, 2019 through July 31, 2020 for an amount not to exceed \$137,500 per year.

By resolution approved on August 14, 2014, your Honorable Board authorized the County of Westchester (the "County"), acting by and through its Department of Public Safety (the "Department"), to enter into an Agreement (the "Agreement") with the New York State Thruway Authority (the "Authority"), whereby the Department would provide marine patrol services during the New NY Bridge Project (the "Project") for a term commencing upon execution thereof and terminating on July 31, 2018 for an amount not-to-exceed \$137,500 per year payable to the County, with the Authority having the sole option to extend the Agreement for two additional one year periods under the same terms and conditions. The Agreement was executed on or about August 18, 2014.

In or about April, 2017 the Authority notified the Department of its intent to exercise the first of its two options to extend the Agreement for one year from August 1, 2018 through July 31, 2019 ("1st Option"). Due to an administrative error, a resolution seeking to amend the Agreement in order to exercise the 1st option was never submitted to your Honorable Board. Nevertheless, an amendment (the "First Amendment") to extend the Agreement was executed on or about May 7, 2018. The Department performed the services pursuant to the Agreement and First Amendment and the County was paid the annual fee of \$137,500. Accordingly, a resolution seeking authority to retroactively authorize the County to enter into the First Amendment is submitted herewith.

The Authority has notified the County that it seeks to exercise the second of its two options to extend the term of the Agreement for the period from August 1, 2019 through July 31, 2020 (2nd Option”). In consideration for services to be rendered by the County during the 2nd Option period, the Authority shall pay the County the sum of \$137,500. Accordingly, authority is hereby requested to enter into an amendment (the “Second Amendment”) of the Agreement with the Authority pursuant to which the County will continue to provide marine patrol services during the New NY Bridge Project for a term commencing on August 1, 2019 and terminating on July 31, 2020, for an amount not-to-exceed \$137,500.

It should be noted that pursuant to the terms of the Agreement, the County will continue to indemnify and hold harmless the Authority from and against any and all claims arising from or in connection with the Agreement, as amended.

Except as specifically amended, all terms and conditions of the Agreement will remain in full force and effect.

The public purpose of this agreement is to ensure the safety and security of all transiting vessels, including vessels associated with the Tappan Zee Bridge Construction Project, persons working on the project and persons utilizing the Hudson River in the area of the Project. In addition, specific security and counter terrorism missions will be in place to ensure the protection of the Project as a designated Critical Infrastructure and Key Resource.

The goals and objectives of this program will further the purposes of an established United States Coast Guard Safety or Security Zone in conjunction with Westchester County’s jurisdiction. It is of note that Security Zones, as defined in 33 C.F.R §6.01-5, are utilized for national security interests rather than strictly for safety considerations. This program will promote national security and public safety by providing effective maritime enforcement of Safety and Security Zones within Westchester County and outlying areas.

The goals and objectives of this program will be tracked and monitored by reviewing the program on an ongoing basis for the duration of the Agreement. The Commanding Officer of the Special Operations Division will conduct reviews during which feedback is gathered regarding the effectiveness of the program. This information will be reported to the Commissioner of the Department of Public Safety.

Approval of the attached resolution is most respectfully requested.

TG/CS/jrc
Attachment

RESOLUTION

Upon a communication from the Acting Commissioner/Sheriff, Department of Public Safety, be it hereby

RESOLVED, that the County of Westchester, acting by and through its Department of Public Safety (the “Department”), is hereby retroactively authorized to enter into an amendment of its agreement (the “Agreement”) with the New York State Thruway Authority (the “Authority”) pursuant to which the Department agreed to provide marine patrol services during the New NY Bridge Project to replace the Tappan Zee, in order to extend the term of the Agreement for the period from August 1, 2018 through July 31, 2019 in an amount not-to-exceed \$137,500 payable to the County; and it is further

RESOLVED, that the County is hereby authorized to enter into a second amendment of the Agreement, in order to further extend the term of the Agreement for the period from August 1, 2019 through July 31, 2020 and the Authority shall pay the County an amount not-to-exceed \$137,500; and it is further

RESOLVED, that the County will continue to indemnify and hold harmless the Authority from and against any and all claims arising from or in connection with the Agreement, as amended, and it is further

RESOLVED, that except as specifically amended hereby, all remaining terms and conditions of the Agreement shall remain in full force and effect; and it is 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.

Account to be Charged/Revenue	Fund	Agency	Capital Project Or Org	Object/ Sub Object	Activity	Dollars
2018	101	38	2000	9734		\$68,750
2019	101	38	2000	9734		\$137,500
2020	101	38	2000	9734		\$68,750

Budget Funding Year(s) 2018-2020 Start 08/01/2018 End Date 07/31/2020

Funding Source Tax Dollars: _____
 State Aid: \$275,000
 \$275,000 Federal Aid: _____
 (must match resolution) Other: _____