



George Latiner
County Executive

Department of Social Services

Kevin McGuire
Commissioner

76065

Date: April 17, 2020

To: The Honorable Board of Acquisition and Contract

From: Kevin M. McGuire
Commissioner of Social Services

Re: **Authority to sign an acknowledgement of receipt of donation, limitation of warranty, liability waiver and indemnification document with Le Jia, who makes donations on behalf of the Southern Westchester Chinese American Community (“SWCAC”), pursuant to which the SWCAC will donate 1000 Procedure Masks, valued at approximately \$600, in furtherance of the local Covid-19 response effort.**

Attached hereto is a Resolution, which, if approved by your Honorable Board, would authorize the County of Westchester (“County”), acting by and through its Department of Social Services (the “Department”), to sign an acknowledgement of receipt of donation, limitation of warranty, liability waiver and indemnification document with Le Jia, who makes donations on behalf of the SWCAC, pursuant to which the SWCAC will donate to the County 1000 Procedure Masks, valued at approximately \$600, in furtherance of the local Covid-19 response effort. In consideration for the donation of the masks, the County will agree to: 1) accept the masks in “AS IS” condition; 2) waive, release and discharge any and all claims for damages against Le Jia or her officers, employees or agents, for personal injury, death, property damage, any claim in tort, or any other claim, regardless of legal theory, that may hereafter result from the County’s use of the donated masks; and 3) indemnify and hold harmless Le Jia, her officers, employees or agents from any and all claims, liability and damages, arising from the County’s use of the masks, except those arising from the gross negligence or willful misconduct of Ms. Jia.

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 masks will serve a public purpose by providing protection to our first responders in combatting the Covid-19 pandemic.

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

R E S O L U T I O N

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

RESOLVED, that the County of Westchester is authorized to sign an acknowledgement of receipt of donation, limitation of warranty, liability waiver and indemnification document with Le Jia, who makes donations on behalf of the Southern Westchester Chinese American Community (“SWCAC”), pursuant to which the SWCAC will donate to the County 1000 Procedure Masks, valued at approximately \$600, in furtherance of the local Covid-19 response effort; and be it further

RESOLVED, that in consideration for the SWCAS’s donation of the masks to the County, the County will agree to: 1) accept the masks in “AS IS” condition; 2) waive, release and discharge any and all claims for damages against Le Jia or her officers, employees or agents, for personal injury, death, property damage, any claim in tort, or any other claim, regardless of legal theory, that may hereafter result from the County’s use of the donated masks; and 3) indemnify and hold harmless Le Jia, her officers, employees or agents from any and all claims, liability and damages, arising from the County’s use of the masks, except those arising from the gross negligence or willful misconduct of Le Jia; 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.

APPROVED BY BOARD OF ASSISTANT COUNTY CLERK & COMPTROLLER
 CONTRACT - 01/20/2020
 LISA MARIJAJ, SECRETARY

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 _____