



Westchester Community College

State University of New York

On Base: 80538

Date: October 28, 2020

To: Board of Acquisition and Contract

From: Dr. Belinda S. Miles
President

Re: Authority for the County of Westchester, acting by and through Westchester Community College (the “College”), to enter into an agreement with the State University of New York whereby the College will serve as a sub-recipient of a grant from the Bill & Melinda Gates Foundation for a Project entitled “New York Student Success Center Guided Pathways” for the period January 15, 2020 through August 31, 2022 with the College to receive up to \$25,000.00.

The Research Foundation for the State University of New York (“Research Foundation”) acquired a grant from the Bill & Melinda Gates Foundation (“Gates Foundation”) for a Project entitled “New York Student Success Center Guided Pathways”. Westchester Community College (the “College”) has the opportunity to serve as a sub-recipient of that grant.

Authority is hereby requested from your Honorable Board to authorize the County of Westchester (“County”), acting by and through the College, to enter into a sub-recipient grant agreement with the Research Foundation for the “New York Student Success Center Guided Pathways” Project. The College will receive up to \$25,000.00 for its participation in the grant. Pursuant to its terms the grant period extends from January 1, 2020 through August 31, 2022.

Pursuant to the terms of the proposed sub-grant agreement, the College will agree to the fullest extent permitted by law, to indemnify, hold harmless and defend the Research Foundation and the Gates Foundation and their respective directors, officers, employees, consultants, agents and representatives against all claims, including claims of third parties, causes of action, damages, losses or expenses, including without limitation attorneys' fees, arising out of or resulting from this agreement or any action arising hereunder; provided, the indemnified party's actions are not based upon negligence or willful misconduct.

The College is also required to indemnify the Research Foundation and the Gates Foundation if the U.S. government imposes any fine or penalties due to disclosure by the College of export-controlled technology or technical data without the written agreement of Foundation's Administrative Contact.

The proposed Agreement shall serve a public purpose since it will enable the College to fulfill its obligation to develop teaching strategies and programming to improve the student experience.

The proposed Agreement is exempt from the Westchester County Procurement Policy and Procedures pursuant to Section 3(a)(iii) thereof.

Accordingly, I recommend adoption of the attached resolution.

BSM/smg
Encls.

RESOLUTION

Upon a communication from the President of Westchester Community College, be it hereby:

RESOLVED, that the County of Westchester, acting by and through the Westchester Community College (“College”), is authorized to enter into a sub-recipient agreement with the Research Foundation for the State University of New York for a Project entitled “New York Student Success Center Guided Pathways” as funded by the Bill & Melinda Gates Foundation; and be it further

RESOLVED, that the proposed agreement shall have a term commencing on January 1, 2020 and terminating on August 31, 2021; and be it further

RESOLVED, that the College shall be entitled to receive up to \$25,000.00 for its participation as a sub-recipient of this grant; and be it further

RESOLVED, that pursuant to the terms of the sub-grant agreement, the College will agree to the fullest extent permitted by law, to indemnify, hold harmless and defend the Research Foundation and the Gates Foundation and their respective directors, officers, employees, consultants, agents and representatives against all claims, including claims of third parties, causes of action, damages, losses or expenses, including without limitation attorneys’ fees, arising out of or resulting from this agreement or any action arising hereunder; provided, the indemnified party’s actions are not based upon negligence or willful misconduct; and be it further

RESOLVED, that pursuant to the terms of the sub-grant agreement, the College will agree to indemnify the Research Foundation and the Gates Foundation if the U.S. government imposes any fine or penalties due to disclosure by the College of export-controlled technology or technical data without the written agreement of Foundation's Administrative Contact; and be it further

RESOLVED, that the County Executive or his duly authorized designee be and hereby is authorized and empowered to execute any and all instruments and to take all action necessary to implement the purposes hereof.

Account to be Charged/credited	Fund	Dept	Major Program, Program & Phase Or Unit	Sub Unit	Object/ Sub Object	Trust Account	Dollars
	TBD						

Budget Funding Year(s) 2020/22 Start Date 09/1/2020 End Date 8/31/2022
 (must match resolution)

Funding Source Tax Dollars _____

State Aid _____

\$ TBD Federal Aid _____

(must match resolution)

Other \$ TBD (Revenue)