

ID 85680

Date: June 10, 2021

To: Honorable Board of Acquisition and Contract

From: Kathleen M. O'Connor
Commissioner of Parks, Recreation and Conservation

Re: Authority to enter into a license agreement with the American Sports Group LLC D/B/A House of Sports, whereby the County would license and have exclusive use to three (3) basketball Courts for the County's Summer Basketball Camp, for term of July 5, 2021 to September 5, 2021 in an amount not to exceed \$30,000.00.

Authority of your Honorable Board is requested for the County of Westchester (the "County") to enter into a license agreement to enter into a license agreement with the American Sports Group LLC D/B/A House of Sports ("House of Sports"), whereby the County would have exclusive use to three (3) basketball Courts to enable the County to host its Summer Basketball Camp which is normally held at the County Center, for term of July 5, 2021 to September 5, 2021 in an amount not to exceed \$30,000.00.

Pursuant to the terms of the proposed license agreement, each party shall agree to mutually defend and indemnify the other party from any and all claims, demands, actions, liabilities, losses, damages, legal fees and expenses in any manner related to, arising out, or resulting from the indemnifying party's (i) negligent or intentional acts or omissions, or (ii) its failure to perform any of its obligations set forth in the agreement.

The goal of the agreement will be for the public good by providing suitable facilities for the County's Summer Basketball Camp which will serve County children. The Camp is normally held at the County Center, which is currently being used as a COVID-19 vaccination site. If this agreement were not in place, the County would not be able to host its Summer Basketball Camp. The agreement will be tracked and monitored by Department of Parks, Recreation and Conservation staff who will be onsite during the dates and times of the Summer Basketball Camp.

This license agreement is exempt from the operation of the Westchester County Procurement Policy pursuant to Section 3 (b) thereof.

Accordingly, your favorable action on the annexed Resolution is most respectfully urged and recommended.

KOC/jpi

APPROVED BOARD OF ACQUISITION & CONTRACT - 06/17/2021 - LISA MRIJAJ, SECRETARY

RESOLUTION

Upon a communication from the Commissioner of Parks, Recreation and Conservation be it hereby:

RESOLVED, that the County of Westchester (the "County") is hereby authorized to enter into a license agreement with the American Sports Group LLC D/B/A House of Sports, whereby the County would license and have exclusive use to three (3) basketball Courts for the County's Summer Basketball Camp, for term of July 5, 2021 to September 5, 2021 in an amount not to exceed \$30,000.00; and be it further

RESOLVED, that pursuant to the terms of the license agreement, each party shall agree to mutually defend and indemnify the other party from any and all claims, demands, actions, liabilities, losses, damages, legal fees and expenses in any manner related to, arising out, or resulting from the indemnifying party's (i) negligent or intentional acts or omissions, or (ii) its failure to perform any of its obligations set forth in the agreement; 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.

Original Agreement	\$30,000
This Amendment	\$ _____
TOTAL	\$30,000

Account to be Charged/Credited:

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
263	42	777W	4380		\$30,000

Budget Funding Year(s): 2021 Start Date: July 5, 2021 End Date: September 5, 2021

Funding Source: Tax Dollars: _____
 (must match resolution) State Aid _____

\$30,000 Federal Aid: _____
 (must match resolution)

Other: Leisure Sports Trust Account