

#88727

To: Honorable Members  
Board of Acquisition and Contract

From: Mary Jennings Mahon  
Commissioner of Human Resources

Date: November 5, 2021

Re: REQUEST AUTHORITY TO ENTER INTO A PERMIT AGREEMENT WITH THE WHITE PLAINS CITY SCHOOL DISTRICT FOR THE COUNTY TO USE ITS PREMISES AND FACILITIES IN ORDER TO CONDUCT CIVIL SERVICE EXAMINATIONS, FOR THE PERIOD COMMENCING JANUARY 1, 2022 AND TERMINATING DECEMBER 31, 2023, IN AN AMOUNT NOT TO EXCEED \$100,000.

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Authority is hereby requested from your Honorable Board for the County of Westchester (the "County"), acting by and through its Department of Human Resources (the "Department"), to enter into a permit agreement (the "Agreement") with the White Plains City School District (the "School District") to use the School District's premises and facilities during the calendar years **2022** and **2023** to conduct civil service examinations. Pursuant to the terms of the Agreement, examination dates will be scheduled and dates may be changed or added upon notice to the School District subject to its approval and the availability of space, for a term commencing January 1, 2022 and terminating on December 31, 2023, for a not to exceed amount of One Hundred Thousand (\$100,000.00) Dollars, subject to appropriation, payable at the rate of \$18/hour per room, plus \$64/hour per custodian (two custodians required), as set by the Board of Education of the School District.

Pursuant to the terms of the Agreement, the County will indemnify, defend and hold harmless the School District, its officers, agents and employees from and against any and all liability, except for the amount, if any, resulting from the negligent acts or omissions of the School District, its officers, employees or agents, in an amount equivalent to TWO MILLION AND 00/100 (\$2,000,000.00) DOLLARS combined single limit each occurrence or in aggregate for such exposures normally covered under a standard general liability policy.

The objective of the Agreement is in the County's best interest because the exam process assists in selection of fit employees to serve our constituents. The goals and objectives of the Agreement are to conduct examinations to help fill job openings in an equitable fashion. The Agreement's progress shall be tracked through direct supervision by the Department.

I believe the School District offers the most suitable and convenient sites for these civil service examinations because of the type and amount of space available, easy access to

public transportation and central location within the County. The County has had an agreement with the School District for a number of years and has been satisfied with the arrangements.

The Agreement is exempt from the requirements of the Westchester County Procurement Policy pursuant to Section 3(b) thereof.

Accordingly, I recommend and urge your Honorable Board's approval of the annexed Resolution.

MJM/cmc  
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/02/2021 - RAYMOND SCUKY, SECRETARY

**RESOLUTION**

Upon a communication from the Commissioner of Human Resources, be it hereby

**RESOLVED**, that the County of Westchester (“County”) is authorized to enter into a permit agreement (“Agreement”) with the White Plains City School District (the “School District”) to use the School District’s premises and facilities to conduct civil service examinations, for a term commencing on January 1, 2022 and continuing through December 31, 2023, for an amount not to exceed One Hundred Thousand (\$100,000.00) Dollars, payable at the rate of \$18/hour per room plus \$64/hour per custodian (two custodians required); and be it further

**RESOLVED**, that pursuant to the terms of the Agreement, the County will indemnify, defend and hold harmless the District, its officers, agents and employees from and against any and all liability, except for the amount, if any, resulting from the negligent acts or omissions of the District, its officers, employees or agents, in an amount equivalent to TWO MILLION AND 00/100 (\$2,000,000.00) DOLLARS combined single limit each occurrence or in the aggregate for such exposures normally covered under a standard general liability policy; and be it further

**RESOLVED**, that this Agreement is subject to County appropriations; and be it further

**RESOLVED**, that this Agreement is also subject to further financial analysis of the impact of any New York State Budget (the “State Budget”) proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the School District, then the School District shall have the right to terminate this Agreement upon reasonable prior written notice, and be it further

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

Amount to be Charged/Credited

Account to be Charged/Credited	Fund	Agency	Major Program, Program & Phase or Unit	Object/ Sub Object	Trust Account	Dollars
2022	101	12	6010	4909		\$50,000
2023	101	12	6010	4909		\$50,000

Budget Funding Year(s) 2022, 2023 Start Date 1/01/22 End Date 12/31/23  
 (must match resolution)

Funding Source Tax Dollars \$100,000.00

State Aid \_\_\_\_\_

\$ 100,000 Federal Aid \_\_\_\_\_

(must match resolution) Other \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/02/2021 - RAYMOND SCULKY, SECRETARY