

92127

Date: March 24, 2022

To: Honorable Board of Acquisition and Contract

**From: Richard G. Wishnie
Commissioner of Emergency Services**

Re: Authority to enter into a license agreement with New York Medical College, whereby the County would license, have access to and use of twenty-five (25) parking spaces in the lot located at 7 Dana Road in Valhalla, for a term commencing upon full execution of the agreement and continuing in full effect unless terminated by either party for a license fee of \$1.

Authority of your Honorable Board is requested for the County of Westchester (the "County"), acting by and through its Department of Emergency Services, to enter into a license agreement with New York Medical College, whereby the County would license, have access to and use of twenty-five (25) parking spaces in the New York Medical College owned parking lot located at 7 Dana Road in Valhalla, for a term commencing upon full execution of the agreement and continuing in full effect unless terminated by either party for a license fee of \$1, in order to provide for additional parking for Department of Emergency Services employees and visitors during the construction of a new building at 4 Dana Road in Valhalla.

Pursuant to the terms of the proposed license agreement, the County shall be solely responsible and shall protect, defend, indemnify and hold harmless the New York Medical College and its officers, employees and agents from any and all claims, damages, liability or loss caused by any act or omission of the County, its employees, invitees, agents or independent contractors, arising out of or in connection with the use of the licensed area. In the event of any action or proceeding under this provision, the County, upon written notice from the New York Medical College, shall, at its sole expense, resist or defend such action or proceeding.

The goal of the agreement will be for the public good by providing additional parking for Department of Emergency Services' employees and visitors during the construction of a new building at 4 Dana Road in Valhalla. If this agreement were not in place, there would be a parking deficit at the Department of Emergency services until completion of the construction. The agreement will be tracked and monitored by Department of Emergency Services staff.

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.

RGW/jpi

APPROVED BOARD OF ACQUISITION & CONTRACT - 03/31/2022 - RAYMOND SCULKY, SECRETARY

RESOLUTION

Upon a communication from the Commissioner of Emergency Services be it hereby:

RESOLVED, that the County of Westchester (the “County”) is hereby authorized to enter into a license agreement with New York Medical College, whereby the County would license, have access to and use of twenty-five (25) parking spaces at the parking lot located at 7 Dana Road in Valhalla, for a term commencing upon full execution of the agreement and continuing in full effect unless terminated by either party, for a license fee of \$1; and be it further

RESOLVED, that pursuant to the terms of the proposed license agreement, the County shall be solely responsible and shall protect, defend, indemnify and hold harmless the New York Medical College and its officers, employees and agents from any and all claims, damages, liability or loss caused by any act or omission of the County, its employees, invitees, agents or independent contractors, arising out of or in connection with the use of the licensed area. In the event of any action or proceeding under this provision, the County, upon written notice from the New York Medical College, shall, at its sole expense, resist or defend such action or proceeding.; 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.

Account to be Charged/credited

Fund	Agency	Capital Project Or Org	Object/ Sub Object	Trust Account	Activity	Dollars
101	20	1000	4380		8000	\$1.00

Budget Funding Year(s) 2022 Start Date 4/1/22 End Date Indefinitely (unless terminated by either party)
 (must match resolution)

Funding Source Tax Dollars \$1.00
 State Aid _____
\$1.00 Federal Aid _____
 (must match resolution) Other _____