



Department of Emergency Services

Memorandum

92518

TO: Board of Acquisition and Contract

FROM: Richard Wishnie
Commissioner of Emergency Services

DATE: April 12, 2022

SUBJECT: Resolution authorizing the County of Westchester to enter into a license agreement with the Family YMCA at Tarrytown to participate as a vendor at the Healthy Kids Day event at Patriot's Park in Tarrytown on Saturday April 30, 2022 at no cost to the County

The County of Westchester ("County"), acting by and through its Department of Emergency Services (the "Department"), is requesting authority to enter into an agreement (the "Agreement") with the Family YMCA at Tarrytown (the "YMCA"), pursuant to which the YMCA will grant to the County a license to set up a booth and participate as a vendor at the 2022 Healthy Kids Day event at Patriot's Park, Route 9 in Tarrytown on Saturday, April 30, 2022 between the hours of 8:30 AM and 4:00 PM (the "Event"). The Department will participate at the Event by handing out COVID test kits, masks, and other "kid stuff" like plastic fire hats, water bottles, sunglasses, as well as conducting kid safety demonstrations – dialing 911, etc. In addition, County EMTs will also be onsite to perform CPR demonstrations as well as be available to supplement Tarrytown Ambulance Corps. if needed to respond to an incident.

Under the proposed Agreement, the YMCA is waiving the license fee and requesting only that the County agree to the following defense and indemnification clause:

To the fullest extent permitted by law, Vendor will indemnify and hold harmless the Family YMCA at Tarrytown, its officers, representatives, agents, and employees from and against any and all claims, suits, liens, judgements, damages, losses and expenses, including reasonable legal fees and all court costs and liability (including statutory liability) arising in whole or in part and in any many from injury and/or death of person or damage to or loss of any property resulting from the acts, omissions, breach or default of Vendor, its officers, directors, agents, employees and subcontractors, in connection with the performance of any work by or Vendor pursuant to any contract, Purchase Order and/or related Proceed Order. Vendor will defend and bear all costs of defending any actions or proceedings brought against the Family YMCA at Tarrytown, their officers, representatives, agents and employees,

arising in any employee of the Vendor and shall not be limited in any way by an amount or type of damage, compensations, or benefits payable under any applicable workers compensation, disability benefits or other similar employees benefit act. The Vendor hereby expressly permits the Family YMCA at Tarrytown to pursue and assert claims against the Vendor for indemnity, contribution and common law negligence arising out of claims for damages, for death and personal injury.”

The proposed Agreement will serve a public purpose by improving the health and well-being of kids by raising awareness of COVID-19 safety measures and other best practices in emergency situations.

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

Accordingly, I most respectfully recommend the adoption of the annexed Resolution.

RW/SS/jpg
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/14/2022 - RAYMOND SCULKY, SECRETARY

RESOLUTION

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

RESOLVED, that the County of Westchester (“County”), acting by and through its Department of Emergency Services (the “Department”), is hereby authorized to enter into an agreement with the Family YMCA at Tarrytown (the “YMCA”), pursuant to which the YMCA will grant to the County a license to set up a booth and participate as a vendor at the 2022 Healthy Kids Day event (the “Event”) at Patriot’s Park, Route 9 in Tarrytown on Saturday, April 30, 2022 between the hours of 8:30 AM and 4:00 PM (the “Agreement”); and be it further

RESOLVED, that the Department will participate at the Event by handing out COVID test kits, masks, and other “kid stuff” like plastic fire hats, water bottles, sunglasses, as well as conducting kid safety demonstrations – dialing 911, etc. In addition, County EMTs will also be onsite to perform CPR demonstrations as well as be available to supplement Tarrytown Ambulance Corps. if needed to respond to an incident; and be it further

RESOLVED, that under the proposed Agreement, the YMCA will waive the license fee but will require that the County agree to the following defense and indemnification clause:

“To the fullest extent permitted by law, Vendor will indemnify and hold harmless the Family YMCA at Tarrytown, its officers, representatives, agents, and employees from and against any and all claims, suits, liens, judgements, damages, losses and expenses, including reasonable legal fees and all court costs and liability (including statutory liability) arising in whole or in part and in any many from injury and/or death of person or damage to or loss of any property resulting from the acts, omissions, breach or default of Vendor, its officers, directors, agents, employees and subcontractors, in connection with the performance of any work by or Vendor pursuant to any contract, Purchase Order and/or related Proceed Order. Vendor will defend and bear all costs of defending any actions or proceedings brought against the Family YMCA at Tarrytown, their officers, representatives, agents and employees, arising in any employee of the Vendor and shall not be limited in any way by an amount or type of damage, compensations, or benefits payable under any applicable workers compensation, disability benefits or other similar employees benefit act. The Vendor hereby expressly permits the Family YMCA at Tarrytown to pursue and assert claims against the Vendor for indemnity, contribution and common law negligence arising out of claims for damages, for death and personal injury.”

; 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.

Account to be Charged/credited

Fund	Agency	Capital Project Or Org	Object/ Sub Object	Trust Account	Activity	Dollars
						0

Budget Funding Year(s) _____ Start Date _____ End Date _____
(must match resolution)

Funding Source _____ Tax Dollars _____
N/A _____ State Aid _____
_____ Federal Aid _____
(must match resolution) Other _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/14/2022 - RAYMOND SCULKY, SECRETARY