

94092

DATE: June 16, 2022

TO: Board of Acquisition and Contract

FROM: Joseph K. Spano
Commissioner, Department of Correction

SUBJECT: Authority for the County to enter into a grant agreement with the Dormitory Authority of the State of New York for, and otherwise accept, a grant, under the State and Municipal Facilities Program, in an amount of \$117,209.95, for the purchase of security equipment for the County's Department of Correction.

Authority is requested for the County of Westchester (the "County") to enter into a grant agreement (the "Grant Agreement") with, and to otherwise accept a grant (the "Grant") from, the Dormitory Authority of the State of New York ("DASNY"), under its State and Municipal Facilities Program, in an amount of \$117,209.95, for the purchase of security equipment for the County's Department of Correction, (the "Work") for a term commencing upon execution by DASNY and continuing for a period of three (3) years thereafter.

Under the Grant Agreement, the County will be required to agree to the following clause:

"DASNY shall not in any event whatsoever be liable for any injury or damage, cost or expense of any nature whatsoever that occurs as a result of or in any way in connection with the Project and the Grantee hereby agrees to indemnify, defend, and hold harmless DASNY, the State and their respective agents, officers, employees and directors (collectively, the "Indemnitees") from and against any and all such liability and any other liability for injury or damage, cost or expense resulting from the payment of the Grant by DASNY to the Grantee or use of the Project in any manner, including in a manner which, if the bonds are issued on a tax-exempt basis, (i) results in the interest on the bonds issued by DASNY the proceeds of which were used to fund the Grant (the "Bonds") to be includable in gross income for federal income tax purposes or (ii) gives rise to an allegation against DASNY by a governmental agency or authority, which DASNY defends that the interest on the Bonds is

includable in gross income for federal income tax purposes, other than that caused by the gross negligence or the willful misconduct of the Indemnitees.”

I certify that my department, a.) has copies of, or access to, all applicable laws, rules, regulations, grant applications, and grant agreements (including any master grant agreement), as well as any guidance or instructions received from the agency making the grant (the “Grant Terms”), b.) has reviewed the Grant Terms, c.) is aware of and understands all of the Grant Terms, and d.) can and will comply with all of the Grant Terms.

The proposed Grant Agreement will serve a public purpose by providing the County with Grant funds to be used in furtherance of the Work.

The goal and objective of the proposed Grant Agreement is to provide the County with Grant funds to be used in furtherance of the Work.

The goal and objective of the Grant Agreement is in the best interests of the County in terms of fiscal responsibility, as enabling the County to obtain the Grant funds will allow the County to use non-County funds in furtherance of the Work.

The goal and objective of the Grant Agreement will be tracked and monitored by the staff of the Department of Correction.

The proposed Grant Agreement does not constitute a procurement. Accordingly, the provisions of the Westchester County Procurement Policy and Procedures do not apply to the proposed Grant Agreement.

I respectfully recommend the adoption of the attached resolution.

JKS/WF/bdm/nn

APPROVED BOARD OF ACQUISITION & CONTRACT 06/30/2022 RAYMOND SCUKKY, SECRETARY

RESOLUTION

Upon a communication from the Commissioner of Correction, be it hereby:

RESOLVED, that the County of Westchester (the "County") is hereby authorized to enter into a grant agreement with, and to otherwise accept a grant from, the Dormitory Authority of the State of New York ("DASNY"), under its State and Municipal Facilities Program, in an amount of \$117,209.95, for the purchase of security equipment for the County's Department of Correction, for a term commencing upon execution by DASNY and continuing for a period of three (3) years thereafter (the "Grant Agreement"); and be it further

RESOLVED, the Grant Agreement shall include the following clause, to which the County will agree:

"DASNY shall not in any event whatsoever be liable for any injury or damage, cost or expense of any nature whatsoever that occurs as a result of or in any way in connection with the Project and the Grantee hereby agrees to indemnify, defend, and hold harmless DASNY, the State and their respective agents, officers, employees and directors (collectively, the "Indemnitees") from and against any and all such liability and any other liability for injury or damage, cost or expense resulting from the payment of the Grant by DASNY to the Grantee or use of the Project in any manner, including in a manner which, if the bonds are issued on a tax-exempt basis, (i) results in the interest on the bonds issued by DASNY the proceeds of which were used to fund the Grant (the "Bonds") to be includable in gross income for federal income tax purposes or (ii) gives rise to an allegation against DASNY by a governmental agency or authority, which DASNY defends that the interest on the Bonds is includable in gross income for federal income tax purposes, other than that caused by the gross negligence or the willful misconduct of the Indemnitees."

; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized to execute any documents and take any actions reasonably necessary and appropriate to effectuate the purposes of this resolution.

Account to be
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
263	35	X060	9854	G060	117,209.95

Budget Funding Year(s): _____
(must match resolution)

Start Date: Upon DASNY Execution

End Date: 3 Years After
DASNY Execution

Funding Source
\$117,209.95
(must match resolution)

Tax Dollars:
State Aid: \$117,209.95
Federal Aid:
Other:

APPROVED BOARD OF ACQUISITION & CONTRACT - 06/30/2022 - RAYMOND SCOPPE, SECRETARY