



Westchester Community College

State University of New York

On Base: 92809

Date: April 26, 2022

To: Board of Acquisition and Contract

From: Dr. Belinda S. Miles
President

Re: Authority for the County of Westchester, acting by and through Westchester Community College, to enter into an agreement with the Research Foundation for the State University of New York, whereby the College will serve as a sub-recipient of a grant from the U.S. Department of Education to the NYS Department of Labor for a Project entitled "Education Stabilization Fund: Reimagine Workforce Preparation" for the period January 1, 2022 through December 31, 2022 with the College to receive up to \$223,383.00.

The Research Foundation for the State University of New York ("Research Foundation") acquired a grant through the New York State Department of Labor from the U.S. Department of Education for a Project entitled "Education Stabilization Fund: Reimagine Workforce Preparation". Westchester Community College (the "College") has the opportunity to serve as a sub-recipient of that grant.

Authority is hereby requested from your Honorable Board to authorize the County of Westchester ("County"), acting by and through the College, to enter into a sub-recipient grant agreement with the Research Foundation for the "Education Stabilization Fund: Reimagine Workforce Preparation" Project. The College will receive up to \$223,383.00 for its participation in the grant. Pursuant to its terms the grant period extends from January 1, 2022 through December 31, 2022.

Pursuant to the terms of the proposed sub-grant agreement, the College shall agree, in a form similar to the following: 1) to the fullest extent permitted by

law, to indemnify the State University of New York ("SUNY") for any costs as legally required to be incurred by SUNY to notify individuals of a breach of security by the College whereby an individual's private information may have been compromised; 2) indemnify and hold harmless the Research Foundation for any fines and penalties resulting from the College's disclosure of export controlled technology or technical data identified on any US export control list; and 3) to the fullest extent permitted by law, to indemnify, hold harmless and defend the Research Foundation and its directors, officers, employees, consultants, agents and representatives against all claims, including claims of third parties, causes of action, damages, losses or expenses, including without limitation attorneys' fees, arising out of or resulting from this Agreement or any action arising hereunder; provided, the indemnified party's actions are not based upon negligence or willful misconduct.

The proposed Agreement shall serve a public purpose since it will enable the College to fulfill its obligation to provide workforce education and training opportunities and/or career pathways that result in credentials for individual's impacted by the Covid-19 pandemic.

The proposed Agreement is exempt from the Westchester County Procurement Policy and Procedures pursuant to Section 3(a)(iii) thereof.

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.

Accordingly, I recommend adoption of the attached resolution.

BSM/sg
Encls.

RESOLUTION

Upon a communication from the President of Westchester Community College, be it hereby:

RESOLVED, that the County of Westchester, acting by and through Westchester Community College (the "College"), is authorized to enter into a sub-recipient agreement with the Research Foundation for the State University of New York through a grant acquired through the New York State Department of Labor from the U.S. Department of Education for a Project entitled "Education Stabilization Fund: Reimagine Workforce Preparation; and be it further

RESOLVED, that the proposed agreement shall have a term commencing on January 1, 2022 and terminating on December 31, 2022; and be it further

RESOLVED, that the College shall be entitled to receive up to \$223,383.00 for its participation as a sub-recipient of this grant; and be it further

RESOLVED, that pursuant to the terms of the sub-grant agreement, the College shall agree, in a form similar to the following: 1) to the fullest extent permitted by law, to indemnify the State University of New York ("SUNY") for any costs as legally required to be incurred by SUNY to notify individuals of a breach of security by the College whereby an individual's private information may have been compromised; 2) indemnify and hold harmless the Research Foundation for any fines and penalties resulting from the College's disclosure of export controlled technology or technical data identified on any US export control list, and 3) to the fullest extent permitted by law, to indemnify, hold harmless and defend the Research Foundation and its directors, officers, employees, consultants, agents and representatives against all claims, including claims of third parties, causes of action, damages, losses or expenses, including without limitation attorneys' fees, arising out of or resulting from this Agreement or any action arising hereunder; provided, the indemnified party's actions are not based upon negligence or willful misconduct; and be it further

RESOLVED, that the County Executive or his duly authorized designee be and hereby is authorized and empowered to execute any and all instruments and to take all action necessary to implement the purposes hereof.

Account to be Charged/credited	Fund	Dept	Major Program, Program & Phase Or Unit	Sub Unit	Object/ Sub Object	Trust Account	Dollars
1/1/22-8/31/22	703	9997	9555		9781-01	T-555	\$148,922.00
9/1/22-12/31/22	703	9997	9555		9781-01	T-555	\$ 74,461.00

Budget Funding Year(s) 2021/22 -22/23 Start Date 01/1/2022 End Date 12/31/2022
(must match resolution)

Funding Source Tax Dollars _____
State Aid _____
\$223,383.00 Federal Aid _____
(must match resolution)
Other \$223,383.00 (Revenue)

APPROVED BOARD OF ACQUISITION & CONTRACT 05/05/2022 - RAYMOND SCULKY, SECRETARY