

110035

DATE: December 9, 2024

TO: The Honorable Board of Acquisition and Contract

FROM: Terrance Raynor
Commissioner-Sheriff of Public Safety

Re: Authority for the County of Westchester to enter into an agreement with the New York State Division of Homeland Security and Emergency Services, to accept a grant in the amount of \$1,157,187.00 under the FY2024 Urban Area Security Initiative to purchase various information sharing equipment, Chemical, Biological, Radiological, Nuclear and Explosive response, detection and mitigation equipment, personnel costs, and training services for a term commencing on September 1, 2024 and expiring on August 31, 2027.

Attached for your consideration is a Resolution which, if approved by your Honorable Board, would authorize the County of Westchester (the "County"), acting by and through its Department of Public Safety (the "Department"), to enter into an agreement with the New York State Division of Homeland Security and Emergency Services (the "DHSES") to accept a grant in the amount of \$1,157,187.00 under its FY2024 Urban Area Security Initiative ("UASI"), to purchase various communications equipment, Chemical, Biological, Radiological, Nuclear and Explosive ("CBRNE") response, detection and mitigation equipment, personnel costs, and training services for a term commencing on September 1, 2024 and expiring on August 31, 2027 (the "Agreement").

Under the Agreement, DHSES shall directly reimburse the County on a quarterly basis for such aforementioned purchases in an amount not-to-exceed \$1,157,187.00, upon the County's presentation of invoices to the DHSES, together with supporting documentation.

The Agreement will require the County to indemnify the State as follows:

"The [County] shall be solely responsible and answerable in damages for any and all accidents, incidents, and/or injuries to persons (including death) or property arising out of or related to the services to be rendered by the [County] or its subcontractors pursuant to this [Agreement]. The [County] shall indemnify and hold harmless the State and its officers and employees from claims, suits, actions, damages and cost of every nature arising out of the provision of services pursuant to the [Agreement]."

The Agreement's goals and objectives shall serve a public purpose by providing the County with funds to purchase equipment and training services to maintain and further improve the County's ability to prevent and respond to all hazardous incidents throughout the County.

The Agreement is in the County's best interest regarding public safety as the grant funds will be used to purchase the aforementioned equipment and training services, which will allow the County to continue to improve its ability to protect its residents from all hazardous incidents throughout the County.

The Department shall track and monitor the Agreement's effectiveness by analyzing the results obtained from a series of DHSES required performance measures.

Since this is a grant agreement and not a contract for the procurement of goods or services, it is not subject to the requirements of the Westchester County Procurement Policy.

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, authority is respectfully requested from your Honorable Board for the County to enter into this Agreement.

TR/mcz
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACTS 12/19/2017
RAYMOND SCULKY, SECRETARY

RESOLUTION

Upon a communication from the Commissioner-Sheriff of Public Safety, it is hereby

RESOLVED, that the County of Westchester (the “County”) acting by and through its Department of Public Safety (the “Department”), is authorized to enter into an agreement (the “Agreement”) with the New York State Department of Homeland Security and Emergency Services (the “DHSES”) to accept a grant in the amount of \$1,157,187.00 under its FY2024 Urban Area Security Initiative to be used by the County to purchase various communications equipment, Chemical, Biological, Radiological, Nuclear and Explosive response, detection and mitigation equipment, personnel costs, and training services, for a term commencing on September 1, 2024 and expiring on August 31, 2027; and be it further

RESOLVED, that DHSES shall make payments directly to the County on a quarterly basis in the amounts actually incurred, up to a total amount not to exceed \$1,157,187.00, upon presentation by the Department to DHSES of invoices, together with supporting documentation; and be it further

RESOLVED, that the County is authorized to defend and indemnify DHSES according to the following indemnification language contained in the Agreement, as follows:

“The [County] shall be solely responsible and answerable in damages for any and all accidents, incidents, and/or injuries to persons (including death) or property arising out of or related to the services to be rendered by the [County] or its subcontractors pursuant to this [Agreement]. The [County] shall indemnify and hold harmless the State and its officers and employees from claims, suits, actions, damages and cost of every nature arising out of the provision of services pursuant to the [Agreement].”

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/Revenue	Fund	Dept	Major Program, Program & Phase or Unit	Revenue	Trust Account	Dollars
	263	38	475Z	9853	T475	1,157,187

Budget Funding Year(s) 2024 - 2027 Start Date: September 1, 2024 End Date: August 31, 2027

Funding Source Tax Dollars:
 State Aid:
 Federal Aid: \$1,157,187 (Fed Pass Thru) (must match resolution)
 Other: