



OnBase ID# ___113708_

Date: May 12, 2026

To: Honorable Board of Acquisition and Contract

From: Keith Hoffman
Chief Administrator
Department of Laboratories and Research

Re: Authority to enter into an agreement with The American Type Culture Collection (“ATCC”), in its capacity as manager of the Centers for Disease Control and Prevention (CDC)-Influenza Reagent Resource (IRR), pursuant to which the County of Westchester will obtain free access to influenza virus strains and research reagents for a term to commence upon execution and continue for an indefinite term with either party have the right to terminate the Agreement at any time upon written notice to the other party.

Authority is respectfully requested for the County of Westchester (the “County”), acting by and through its Department of Laboratories and Research, (“Department”), to enter into a user agreement (“Agreement”) with The American Type Culture Collection (“ATCC”), in its capacity as manager of the Centers for Disease Control and Prevention (CDC)-Influenza Reagent Resource (IRR), to obtain free access to influenza virus strains and research reagents for a term to commence upon execution and continue for an indefinite term with either party have the right to terminate the Agreement at any time upon written notice to the other party.

The proposed Agreement will contain the following provision, or a provision with substantially similar language, concerning indemnification:

RECIPIENT assumes all liability for damages that may arise from RECIPIENT’s (and its TRANSFEREES) use, storage, transfer, release or disposal of MATERIAL, PIP BIOLOGICAL MATERIAL and MODIFICATIONS. To the extent permitted under applicable law, RECIPIENT agrees that it will indemnify and hold harmless the U.S. Government, ATCC®, their suppliers and CONTRIBUTORS from any claims, costs, damages, or expenses arising out of or related to this Agreement or the MATERIAL, PIP BIOLOGICAL MATERIAL or MODIFICATIONS.

The proposed Agreement will serve a public purpose by allowing Labs & Research to accept CDC-provided supplies at no cost, limiting the financial impact to taxpayers.

The goals and objectives of the proposed Agreement shall be 1) to allow the County to continue participation in the CDC's international surveillance efforts and to support capacity in preparation for a future pandemic; 2) continue participation in the biological agent repository established to provide free access to influenza virus strains and research agents; 3) Continue to utilize the provided supplies to maintain its MPOX testing capabilities, supporting the Westchester County Department of Health's surveillance and containment efforts.

The goals and objectives of the proposed Agreement shall be tracked and monitored by the staff of the Department.

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

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

KWJ/ran
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 05/21/2026 - RAYMOND SCULKY, SECRETARY

RESOLUTION

Upon a communication from the Chief Administrator, be it hereby:

RESOLVED, that the County of Westchester (the “County”), acting by and through its Department of Laboratories and Research, is authorized to enter into a user agreement with The American Type Culture Collection (“ATCC”), in its capacity as manager of the Centers for Disease Control and Prevention (CDC)-Influenza Reagent Resource (IRR), to obtain free access to influenza virus strains and research reagents for a term to commence upon execution continue for an indefinite term with either party have the right to terminate the Agreement at any time upon written notice to the other party; and be it further

RESOLVED, that the County is authorized to indemnify the U.S. Government, ATCC, their suppliers and contributors as follows:

RECIPIENT assumes all liability for damages that may arise from RECIPIENT’s (and its TRANSFEREES) use, storage, transfer, release or disposal of MATERIAL, PIP BIOLOGICAL MATERIAL and MODIFICATIONS. To the extent permitted under applicable law, RECIPIENT agrees that it will indemnify and hold harmless the U.S. Government, ATCC ®, their suppliers and CONTRIBUTORS from any claims, costs, damages, or expenses arising out of or related to this Agreement or the MATERIAL, PIP BIOLOGICAL MATERIAL or MODIFICATIONS; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized to take such action and execute such documents as may be necessary and proper to effectuate the purposes hereof.

Account to be

Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
101	31	4380	4200		\$0

Budget Funding Year(s): 2026 Start Date: 6/15/26 End Date: no end date

(must match resolution)

Funding Source

 \$0

(must match resolution)

Tax Dollars: _____

State Aid: _____

Federal Aid: _____

Other: \$0

APPROVED BOARD OF ACQUISITION & CONTRACT - 05/21/2026 - RAYMOND SCULKY, SECRETARY