

ID #111082

Date: May 6, 2025

To: The Honorable Board of Acquisition and Contract

From: Kathleen M. O'Connor
Commissioner of Parks, Recreation and Conservation

Re: Authority to enter into an agreement with Yellow Dog Software LLC to provide inventory management software, maintenance support and hosting services for a term from May 1, 2025 through April 30, 2026 for an amount of \$332.00 monthly, and including an indemnification and a limit of liability.

Authority is sought for the County of Westchester ("County") to enter into an agreement with Yellow Dog Software LLC to provide inventory management software, maintenance support and hosting services for a term from May 1, 2025 through April 30, 2026 for an amount of \$332.00 monthly.

The proposed agreement will include the following indemnification provision:

"The County agrees that it will not sue or seek to hold Yellow Dog Software LLC liable for, and will indemnify, defend and hold Yellow Dog Software LLC harmless from, any third party claim that the integration of the Software with other software, systems or materials not provided by Yellow Dog Software LLC violate any third party's patent, copyright or other right in such software or systems and against all damages and costs, including reasonable attorneys' fees, that may be assessed in any such claim."

The goal and objective of the proposed Agreement is in the best interests of the County in terms of fiscal responsibility, as providing the County with inventory management software will enable the County to collect revenue and manage operations at the souvenir store at Playland Park.

The goal and objective of the proposed Agreement will be tracked and monitored by staff of the Department of Parks, Recreation and Conservation through fiscal reports.

The procurement of the Services, under the proposed Agreement, is exempt from the Westchester County Procurement Policy and Procedures pursuant to Section 7 (formerly Section 9) thereof, as the County has determined, after reasonable investigation, that Yellow Dog Software LLC is the sole practicable source for the required Services, based on the existing

arrangements at Playland Park for this season, and the limited time available prior to the start of this season.

Accordingly, your favorable action on the annexed Resolution is most respectfully urged and recommended.

KOC/DLV/dv

APPROVED BOARD OF ACQUISITION & CONTRACT - 05/15/2025 - RAYMOND SCULKY, SECRETARY

RESOLUTION

Upon a communication from the Commissioner of Parks, Recreation and Conservation, be it hereby

RESOLVED, that the County of Westchester (“County”) is authorized to enter into an agreement with Yellow Dog Software LLC to provide point-of-sale software, maintenance support and hosting services for a term from May 1, 2025 through April 30, 2026 for an amount of \$332.00 monthly, and including an indemnification provision as follows:

“The County agrees that it will not sue or seek to hold Yellow Dog Software LLC liable for, and will indemnify, defend and hold Yellow Dog Software LLC harmless from, any third party claim that the integration of the Software with other software, systems or materials not provided by Yellow Dog Software LLC violate any third party's patent, copyright or other right in such software or systems and against all damages and costs, including reasonable attorneys' fees, that may be assessed in any such claim.”

and be it further

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

Account to be Charged/credited	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	165	42	5520	4380		\$2,656 (2025)
	165	42	5520	4380		\$1,328 (2026)

Budget Funding Year(s) 2025-2026 Start Date 5/1/2025 End Date 4/30/2026
 (must match resolution)

Funding Source Tax Dollars X
 State Aid _____
 \$ 3,984 Federal Aid _____
 (must match resolution)
 Other _____

APPROVED BOARD OF ACQUISITION & CONTRACTS CONTRACT # 05/15/2025 - RAINING BULKY, SECRETARY