



On Base: 103213

Date: September 6, 2023

To: Board of Acquisition & Contract

From: Belinda S. Miles  
President

Re: Authority for the County of Westchester, acting by and through Westchester Community College's Westchester Educational Opportunity Center ("WEOC"), to enter into an agreement with BMC: The Benchmark Management Company, LLC, dba Edith Macy Center for the WEOC's use of the facility for staff training on September 29, 2023 at a total cost not to exceed \$8,375.00.

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Westchester Community College's Westchester Educational Opportunity Center ("WEOC") provides tuition-free academic and vocational training for New York State residents. In furtherance of the foregoing, WEOC must assure that its staff is properly trained and ready to serve its students and the community.

Authority is requested to authorize the College, through WEOC, to enter into an agreement with BMC: The Benchmark Management Company, LLC, dba Edith Macy Center ("BMC") for the use of the Edith Macy Center's facilities for a full day of staff training on September 29, 2023 at a total cost not to exceed Eight Thousand Three Hundred Seventy-Five (\$8,375.00) dollars.

Pursuant to this agreement, the parties will agree, in a form similar to the following: to indemnify, defend and hold harmless the other party, their officers, directors, partners, agents, members and employees from and against any and all demands, claims, damages to persons or property, losses and liabilities, including reasonable attorney's fees (collectively "Claims") arising out of or caused by the party's negligence and/or its members', agents', employees', independent contractors' or Exhibitors' negligence in connection with the use of the Hotel's facilities, except to the extent and percentage attributable to the other party's negligence. Neither party has waived or shall be deemed to have waived, by reason of the above, any defense which it may have with respect to such claims.

This agreement shall serve a public purpose since it will enable the WEOC to provide staff training so that it can continue to provide tuition-free academic and

vocational training for New York State residents. The agreement will be monitored by WEOC personnel.

This agreement is exempt from the Westchester County Procurement Policies and Procedures pursuant to Section 3(b) thereof.

Accordingly, I recommend adoption of the attached resolution.

BSM:sg  
Encl.

APPROVED BOARD OF ACQUISITION & CONTRACT - 09/14/2023 - RAYMOND SCULKY, SECRETARY

## 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's Westchester Educational Opportunity Center ("WEOC") is authorized to enter into an agreement with BMC: The Benchmark Management Company, LLC, dba Edith Macy Center ("BMC") for the use of the Edith Macy Center's facilities for a full day of staff training on September 29, 2023 at a total cost not to exceed Eight Thousand Three Hundred Seventy-Five (\$8,375.00) dollars; and be it further

RESOLVED, that pursuant to this agreement, the parties will agree, in a form similar to the following: to indemnify, defend and hold harmless the other party, their officers, directors, partners, agents, members and employees from and against any and all demands, claims, damages to persons or property, losses and liabilities, including reasonable attorney's fees (collectively "Claims") arising out of or caused by the party's negligence and/or its members', agents', employees', independent contractors' or Exhibitors' negligence in connection with the use of the Hotel's facilities, except to the extent and percentage attributable to the other party's negligence. Neither party has waived or shall be deemed to have waived, by reason of the above, any defense which it may have with respect to such claims; 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	Fiscal Year	Fund	Dept	Major Program, Program & Phase Or Unit	Sub Unit	Object/ Sub Object	Trust Account	Dollars
	23-24	703	9997	9110		4425-05	T-110	\$8,375.00

Budget Funding Year(s) \_\_\_\_\_ Start Date 09/29/2023 End Date 09/29/2023  
(must match resolution)

Funding Source

\$ 8,375.00

(must match resolution)

Tax Dollars: \_\_\_\_\_

State Aid: \$8,375.00

Federal Aid: \_\_\_\_\_

Other: \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT - 09/14/2023 - RAYMOND SCULKY, SECRETARY