

112916

DATE January 26, 2026

TO: The Honorable Board of Acquisition and Contract

FROM: Blanca P. Lopez, M.S.
Commissioner of Planning

SUBJECT: Authority for the County of Westchester to enter into a grant agreement with the New York State Department of Transportation, to accept grant funds in an amount not-to-exceed \$1,000,000.00 for the Innovative Transit Mobility Pilot Program to support public transportation systems, for the period from June 1, 2024 through December 31, 2029.

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 Planning (the "Department"), to enter into a grant agreement with the New York State Department of Transportation ("NYSDOT"), pursuant to which the County will accept grant funds in an amount not-to-exceed \$1,000,000.00 (the "Grant Funds") for the Innovative Transit Mobility Pilot Program to support public transportation systems, for the period from June 1, 2024 through December 31, 2029 (the "Agreement;" Comptroller's Contract No. K007621).

Under the Agreement, the County will be required to agree to the following:

"Section 6. [County] Liability. If the [County] performs work under this agreement with its own forces, it shall be responsible for all damage to person or property arising from any act of negligence performed by or on behalf of the [County], its officers, agents, servants or employees, contractors, subcontractors, or others in connection therewith. The [County] specifically agrees that its agents or employees shall possess the experience, knowledge and character necessary to qualify them individually for the particular duties they perform.

6.1.1 The [County] shall indemnify and save harmless the State for all damages and costs arising out of any claims, suits, actions, or proceedings resulting from the negligent performance of work by or on behalf of the [County], its officers, agents, servants, employees, contractors, subcontractors, or others under this agreement. Negligent performance of service, within the meaning of this section shall include, in addition to negligence founded upon tort, negligence

based upon the [County]’s failure to meet professional standards and resulting in obvious or patent errors in the progression of its work.”

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.

The proposed Agreement will serve a public purpose by making the Grant Funds available to support public transportation systems.

The goal and objective of the proposed Agreement is to make the Grant Funds available to support public transportation systems.

The goal and objective of the proposed Agreement is in the best interests of the County in terms of fiscal responsibility, as it will make the Grant Funds available to support public transportation systems, without requiring the expenditure of County funds.

The goal and objective of the proposed Agreement will be tracked and monitored by the Department, which will be required, under the proposed Agreement, to provide proof of disbursement of the Grant Funds and will monitor the effectiveness of the proposed Agreement through a series of performance measures required NYSDOT.

The proposed Agreement does not constitute procurement. Accordingly, the provisions of the Westchester County Procurement Policy and Procedures do not apply.

I respectfully recommend the adoption of the attached resolution.

BPL/cl/mb
Attachment

RESOLUTION

UPON A COMMUNICATION FROM THE COMMISSIONER OF PLANNING, BE IT HEREBY:

RESOLVED, that the County of Westchester (the "County"), acting by and through its Department of Planning, is hereby authorized to enter into a grant agreement with the New York State Department of Transportation, pursuant to which the County will accept grant funds in an amount not-to-exceed \$1,000,000.00 for the Innovative Transit Mobility Pilot Program to support public transportation systems, for the period from June 1, 2024 through December 31, 2029 (the "Agreement"; Comptroller's Contract No. K007621); and be it further

RESOLVED, that, under the Agreement, the County will agree to the following:

"Section 6. [County] Liability. If the [County] performs work under this agreement with its own forces, it shall be responsible for all damage to person or property arising from any act of negligence performed by or on behalf of the [County], its officers, agents, servants or employees, contractors, subcontractors, or others in connection therewith. The [County] specifically agrees that its agents or employees shall possess the experience, knowledge and character necessary to qualify them individually for the particular duties they perform.

6.1.1 The [County] shall indemnify and save harmless the State for all damages and costs arising out of any claims, suits, actions, or proceedings resulting from the negligent performance of work by or on behalf of the [County], its officers, agents, servants, employees, contractors, subcontractors, or others under this agreement. Negligent performance of service, within the meaning of this section shall include, in addition to negligence founded upon tort, negligence based upon the [County]'s failure to meet professional standards and resulting in obvious or patent errors in the progression of its work."

; 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/Credited**

| Fund | Dept | Major Program, Program & Phase Or Unit | Object/ Sub-Object | Trust Account | Dollars |
|------|------|--|-----------------------|------------------|-------------|
| 263 | 19 | B116 | 9854 | G116 | \$1,000,000 |
| | | | | | |
| | | | | | |

Budget Funding Year(s): 2024-2029 Start Date: 06/01/24 End Date: 12/31/29
(must match resolution)

Funding Source \$1,000,000.00 (must match resolution) Tax Dollars: _____
State Aid: \$1,000,000 _____
Federal Aid: _____
Other: _____

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