

92938

DATE: April 27, 2022

TO: The Honorable Board of Acquisition and Contract

FROM: Thomas Gleason  
Acting Commissioner-Sheriff

RE: **Authority for County of Westchester (the "County"), acting by and through its Department of Public Safety (the "Department"), to enter into an agreement with the State of New York, acting by and through its Department of Transportation ("NYSDOT"), with the term retroactive to January 1, 2019 and continuing through December 31, 2023, in order for the County to be reimbursed an amount not to exceed \$390,594 for the provision of dispatching services for NYSDOT's Highway Emergency Local Patrol program ("HELP").**

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 ("Agreement") with the State of New York, acting by and through its Department of Transportation ("NYSDOT"), which will be retroactive to January 1, 2019 and continue through December 31, 2023, in order for the County to be reimbursed for the costs associated with providing dispatching services for NYSDOT's Highway Emergency Local Patrol program ("HELP").

The prior Agreement with NYSDOT dated on or about January 4, 2019, which was authorized by Your Honorable Board, commenced on March 1 2007 and expired on December 31, 2018 and was in the amount of \$744,784 ("Prior Agreement"). After the expiration of the Prior Agreement, the County has continued to provide one Communications Operator to coordinate the activities of the HELP contractor on the Bronx River, Hutchinson River, Cross County, and Saw Mill River Parkways, Parkway dispatching services, a communications station for the Communications Operator and the HELP contractor, as well as HELP Dispatch Services.

The County has continued to provide the HELP Dispatch Services with the understanding that there would be a subsequent agreement with NYSDOT whereby the County would be compensated for the services. The proposed Agreement, if authorized by Your Honorable Board, will allow the County to be reimbursed by NYSDOT for the HELP Dispatch Services performed from January 1, 2019 through December 31, 2023 in the amount of \$390,594.00.

The proposed Agreement will contain an indemnification clause as follows (The County is referred to as the "Municipality"):

“The Municipality shall indemnify the State and its employees against and hold them harmless from any and all claims, actions, suits, proceedings, costs expenses, judgements, damages and liabilities, including reasonable attorney’s fees arising out of or resulting from the acts or omissions of the Municipality, its contractors, subcontractors, agents or employees, relating to the project.”

The proposed Agreement is in the public’s best interest and will promote the safety and general welfare of the public by providing the County with reimbursement for these important services already provided to the public. The goals and objectives of this program are the enhancement of the public safety and security of the County’s residents, and said goals and objectives have been and will continue to be monitored by Department staff.

The acceptance of the grant funds Agreement is not a procurement, therefore, the terms of the County’s Procurement Policy do not apply.

Accordingly, authority is respectfully requested for the County to enter into this Agreement.

TG/CS/di  
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 05/12/2022 - RAYMOND SCULKY, SECRETARY

## RESOLUTION

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

**RESOLVED**, that authority is hereby granted to the County of Westchester (the “County”), acting by and through its Department of Public Safety, to enter into an agreement (“Agreement”) with the State of New York, acting by and through its Department of Transportation (“NYSDOT”), which will be retroactive to January 1, 2019 and continue through December 31, 2023, in order for the County to be reimbursed for the costs associated with providing dispatching and other services for NYSDOT’s Highway Emergency Local Patrol program in the amount of \$390,594.00; and be it further

**RESOLVED**, that the Agreement shall contain the following provision (the County is referred to as the “Municipality”):

“The Municipality shall indemnify the State and its employees against and hold them harmless from any and all claims, actions, suits, proceedings, costs expenses, judgements, damages and liabilities, including reasonable attorney’s fees arising out of or resulting from the acts or omissions of the Municipality, its contractors, subcontractors, agents or employees, relating to the project”; 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  
/Revenue

<u>Fund</u>	<u>Dept.</u>	<u>Major Program, Program &amp; Phase or Unit</u>	<u>Revenue</u>	<u>Trust Account</u>	<u>Dollars</u>
101	38	2000	9734		\$390,594

Budget Funding Year(s): \_\_\_\_\_

Start Date: 1/1/19

End Date: 12/31/23

Funding Source

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

State: 100%

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

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

\$390,594  
(must match resolution)