



Office of the District Attorney
County of Westchester

MEMORANDUM

23123

Date: November 18, 2011

To: Honorable Board of Acquisition and Contract

FROM: Janet DiFiore Mary Mahon
District Attorney Director of Real Estate

Re: **AUTHORIZATION FOR THE COUNTY OF WESTCHESTER TO ENTER INTO A PERMIT AGREEMENT WITH A CONFIDENTIAL PERMITTOR FOR USE BY THE OFFICE OF THE DISTRICT ATTORNEY OF A CONFIDENTIAL PREMISES FOR PURPOSES OF CONDUCTING CONFIDENTIAL LAW ENFORCEMENT OPERATIONS FOR THE PERIOD JANUARY 1, 2012 THROUGH DECEMBER 31, 2014 FOR A MONTHLY PERMIT FEE OF \$4,070.00**

The attached resolution, if approved by this Honorable. Board, would authorize the County of Westchester, acting by and through the District Attorney's Office to enter into a Permit Agreement with a Confidential Permittor for use of a confidential premises consisting of approximately 3,052 square feet for purposes of conducting confidential law enforcement operations. Due to the discreet nature of these operations, it is essential that all references to the subject premises and the name and address of Permittor remain undisclosed to all but necessary law enforcement personnel.

This Permit Agreement, which allows for the continuation of operations at this location, would be for a three (3) year term commencing January 1, 2012 and terminating December 31, 2014 payable at a Permit fee of \$4,070.00 per month. This \$4,070.00 monthly fee also includes the use of three (3) parking spaces. The monthly fee remains the same as under the current Permit which expires on December 31, 2011. Either party shall have the right to terminate on 30 days written notice to the other party.

The Permitter has advised the County that at some point during the term of the Permit, Permitter expects to relocate the County's offices to another area of Permitter's building. The new space will be approximately 3,150 square feet, but the Permit fee will remain same.

The goal and objective of this Permit is to provide space for confidential law enforcement operations. It is in the best interest of the County to enter into this Permit Agreement as it serves a public purpose by benefiting the health, safety and welfare of the residents of Westchester County by assisting confidential law enforcement operations. The District Attorney's Office will monitor this Permit to ensure compliance with the terms of the Permit. This Permit Agreement is exempt from the Westchester County Procurement Policy pursuant to Section 3(b) therein. Approval of the attached resolution is respectfully recommended.

JD/MM/dm
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/08/2011 - JOMAR V. VILLALBA, SECRETARY

RESOLUTION

Upon a communication from the District Attorney and Director of Real Estate, be it hereby,

RESOLVED, that the County of Westchester acting by and through the Office of the District Attorney, is hereby authorized to enter into a Permit Agreement with a Confidential Permitter for the use of a confidential premises (the "Premises") for purposes of conducting confidential law enforcement operations for a three year term commencing January 1, 2012 and terminating December 31, 2014 at a monthly Permit fee of \$4,070.00 (which includes the use of three parking spaces at \$85.00 per month for each space), with either party having the right to terminate upon thirty (30) days written notice; and be it further,

RESOLVED, that the Permit shall provide that the Permitter shall have the right during the term of the Permit to relocate the Premises (currently consisting of 3,052 square feet) to a new area of the Permitter's building consisting of approximately 3,150 square feet, with the monthly Permit fee to remain the same; and be it further

RESOLVED, that this Agreement is subject to County appropriations; and be it further,

RESOLVED, that this Agreement is subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of this agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State budget and/or the adoption of the State budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount, then the Permitter shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further,

RESOLVED, that the District Attorney or her duly authorized designee, is authorized and empowered to execute and deliver all instruments and to take all actions necessary or appropriate to accomplish the purposes of this resolution.

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	101	46	3318	4320		\$48,840.00 (2012)
	101	46	3318	4320		\$48,840.00 (2013)
	101	46	3318	4320		\$48,840.00 (2014)

Budget Funding Year(s) Start Date: 1/1/2012 End Date: 12/31/2014
 (must match resolution)

Funding Source: Tax Dollars 100% Contractor Federal I.D. No./ Social Security No.: _____
 State Aid _____
\$146,520.00 Federal Aid _____ Vendor No.: _____
 (must match resolution) Other _____ Encumbrance No.: _____

APPROVED BOARD OF ACQUISITION & CONTRACTS - 12/08/2011 - JOMARY VIEIRA, SECRETARY