

24746

February 7, 2012

TO: Board of Acquisition and Contract

FROM: Jay T. Pisco, P.E.
Commissioner of Public Works and Transportation

Mary J. Mahon
Director of Real Estate

RE: **Authorization to enter into a five (5) year lease agreement with Commerce Street Professional Center, LLC commencing April 1, 2012 for office space at 1940 Commerce Street, Yorktown Heights, New York. (Lease Agreement No. 12-904)**

The District Attorney's Office has occupied approximately 1,431 square feet of office space at 1940 Commerce Street in Yorktown Heights, New York as a satellite office since 2007 under a five (5) year lease that is expiring on March 31, 2012. To maintain efficient operations, the District Attorney's Office would like to continue to lease this space.

Authorization is requested to enter into a new lease for another five (5) year period commencing April 1, 2012. Monthly lease payments for the first year shall be \$3,030.15, subject to annual 2.5% increases for years two (2) through five (5). It should be noted that as a result of negotiations with the Landlord, the rental fees for the new lease represent a cost savings over the current lease. The current lease that started in 2007 had the same first year monthly rental payments of \$3,030.15, but subsequent years were subject to 4% increases.

The County will also be responsible for the cost of the following as additional rent: its electric usage and its proportionate share of real estate taxes as well as heating and air conditioning beyond normal working hours, if needed; cleaning services (\$5,859.60 for the first year, subject to annual 2.5% increases); and security access fees (\$405.00 for the first year, subject to annual 2.5% increases).

The public purpose of this agreement is to provide for the continuation of the operation of the District Attorney's Office so that essential services can be provided to Westchester residents. There are no energy or environment components associated with this agreement.

This agreement will be monitored by the Department of Public Works and Transportation to insure that the lease responsibilities are met by the Landlord.

This lease agreement is exempt from the Westchester County Procurement Policy and Procedures pursuant to Section 3(b) therein.

Your approval of the attached resolution is respectfully requested.

RESOLUTION

Upon a communication from the Commissioner of Public Works and Transportation and the Director of Real Estate, be it hereby:

RESOLVED, that the County of Westchester (the "County") is hereby authorized to enter into Lease Agreement No. 12-904 with Commerce Street Professional Center, LLC (the "Landlord") for approximately 1,431 square feet of office space located at 1940 Commerce Street, Yorktown Heights, New York, for a five (5) year term commencing April 1, 2012, to be used by the Office of the Westchester County District Attorney; and be it further

RESOLVED, that the County shall pay a monthly lease payment of \$3,030.15 for the first year, subject to annual 2.5% increases; and be it further

RESOLVED, that the County will also be responsible for the cost of the following as additional rent: its electric usage and its proportionate share of real estate taxes as well as heating and air conditioning beyond normal working hours, if needed; cleaning services (\$5,859.60 for the first year, subject to annual 2.5% increases); and security access fees (\$405.00 for the first year, subject to annual 2.5% increases); and be it further

RESOLVED, that the County Executive or his duly authorized designee be and hereby is authorized and empowered to execute all appropriate contracts or documents necessary to effectuate the purposes of this resolution in the manner prescribed by law.

Lease Agreement No. 12-904

Account to be Charged/credited	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	101	46	3322	4320		\$31,969.35 (2012)
	101	46	3322	4320		\$43,425.45 (2013)
	101	46	3322	4320		\$44,511.27 (2014)
	101	46	3322	4320		\$45,624.15 (2015)
	101	46	3322	4320		\$46,764.66 (2016)
	101	46	3322	4320		\$11,762.88 (2017)

Budget Funding Year(s) 2012-2017 Start Date April 1, 2012 End Date March 31, 2017
 (must match resolution)

Funding Source Tax Dollars 100% County
 State Aid _____
 Federal Aid _____
\$224,057.76
 (must match resolution) Other _____