

41828

DATE: August 13, 2014

TO: Honorable Members of the Board of Acquisition & Contract

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

RE: Authority to enter into a license agreement with the New York Medical College pursuant to which the County of Westchester will license approximately 6,481 square feet of space on the 3rd Floor and outdoor parking from September 1, 2014 to September 4, 2015, and approximately 4,748 square feet of space on the 4th Floor from September 1, 2014 to May 22, 2015 of 19 Skyline Drive in the Town of Mt. Pleasant, for a total amount not to exceed \$180,000.00, in order to enable the County's Department of Public Safety and Police Academy to temporarily relocate while their current space is being rehabilitated. (License Agreement No. 14-932)

Authority is requested for the County of Westchester (the "County") to enter into a license agreement with the New York Medical College (the "NYMC") pursuant to which the County will for the period September 1, 2014 through September 4, 2015 license approximately 6,481 square feet of space on the 3rd Floor and outdoor parking, and for the period September 1, 2014 to May 22, 2015 will license approximately 4,748 square feet of space on the 4th Floor in the NYMC building located at 19 Skyline Drive in the Town of Mt. Pleasant (hereinafter referred to as the "Licensed Premises"), for a total amount not to exceed \$180,000.00, in order to enable the County's Department of Public Safety and Police Academy to relocate while their current space is being rehabilitated.

NYMC shall be responsible, at its sole cost and expense, to operate, maintain and repair the Licensed Premises and its building systems (including heating, ventilating, air conditioning, electrical, elevator, janitorial, security and plumbing systems). In addition, NYMC shall demolish existing non-structural walls and partitions and assist in the County's network setup work, as requested by the County. In addition to the license fee, the County shall be responsible for all costs, expenses and fees relating to the maintenance, repair, and replacement of the non-structural elements of the Licensed Premises, such as painting, installation of computer and internet networks. The license fee for the County to occupy the Licensed Premises shall be a not to exceed amount of \$180,000.00 of which \$148,771.00 shall be for the use and occupancy of the Licensed Premises and the remaining \$31,229.00 shall be used to reimburse the NYMC for costs in connection with renovations and site work to be performed by NYMC on behalf of the County.

The license agreement shall also contain a mutual indemnification clause whereby the County and the NYMC shall indemnify each other for damages caused by the indemnifying party.

The license is in the public's best interests as it will enable certain offices of the County's Department of Public Safety and Police Academy to temporarily relocate while their current space is being rehabilitated. This license will be monitored by the Department of Public Works and Transportation and the Department of Public Safety to ensure that the license responsibilities are met by NYMC. This license is exempt from the Westchester County Procurement Policy pursuant to section 3(b) thereof.

Accordingly, I recommend adoption of the proposed resolution.

JTP/jpi

APPROVED BOARD OF ACQUISITION & CONTRACT - 8/14/14 - JOMAR VIEIRA, SECRETARY

RESOLUTION

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

RESOLVED, that the County of Westchester (the "County") is hereby authorized to enter into a license agreement with the New York Medical College (the "NYMC") pursuant to which the County will license approximately 6,481 square feet of space on the 3rd Floor and outdoor parking from September 1, 2014 to September 4, 2015 and approximately 4,748 square feet of space on the 4th Floor, from September 1, 2014 to May 22, 2015, of 19 Skyline Drive in the Town of Mt. Pleasant, in order to enable the County's Department of Public Safety and Police Academy to relocate while their current space is being rehabilitated; and be it further

RESOLVED, that in consideration of the License the County will pay NYMC an amount not to exceed \$180,000.00 of which \$148,771.00 shall be for the use and occupancy of the Licensed Premises and the remaining \$31,229.00 shall be used to reimburse the NYMC for costs in connection with renovations and site work to be performed by NYMC on behalf of the County; and be it further

RESOLVED, that the license shall contain a mutual indemnification clause whereby the County and the NYMC shall indemnify each other for damages caused by the indemnifying party; and be it further

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

RESOLVED, that this Agreement is also 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 a 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 to the Contractor, then the Contractor shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further

RESOLUTION

RESOLVED, that the County Executive or his duly authorized designee be, and hereby is, authorized to take such actions and execute such documents as may be necessary and appropriate to effectuate the purposes hereof.

Agreement No. 14-932

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Bond Act No.	Dollars
	338	38	BPS18-01-C	6210-99	BA #24-2014	NTE \$180,000.00

Budget Funding Year(s) 2014 Start Date 9/01/2014 End Date 09/04/2015
 (must match resolution)

Funding Source: Tax Dollars \$180,000.00 Contractor Federal I.D. No./ Social Security No.: _____
 State Aid _____
\$180,000.00 Federal Aid _____ Vendor No.: _____
 (must match resolution) Other _____ Encumbrance No.: _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 08/14/2014 - JOMARY VIEIRA SECRETARY