



Office of the District Attorney
County of Westchester

MEMORANDUM

46154

Date: April 3, 2015

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 EXTEND 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, 2015 THROUGH DECEMBER 31, 2017 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 extend 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 extension, which allows for the continuation of operations at this location, would be for a three (3) year term commencing January 1, 2015 and terminating December 31, 2017 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 (\$85 per space per month) The monthly fee remains the same as under the current Permit which expired on December 31, 2014. Either party shall have the right to terminate on 30 days written notice to the other party.

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

The Permitter has also agreed as part of the terms of the Permit to install a used Carrier/Climate Master 3 ton water source air conditioner unit in the Premises for a total cost not to exceed \$4,400.00 to be paid by the County upon completion of the installation.

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 - 04/30/2015 - COMPTROLLER, 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 extend 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, 2015 and terminating December 31, 2017 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 the Permitter shall install a used Carrier/Climate Master 3 ton water source air conditioner unit in the Premises for a total cost not to exceed \$4,400.00 to be paid by the County upon completion of the installation; and be it further

RESOLVED, that this Agreement is subject to County appropriations; 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		\$53,240.00 (2015)
	101	46	3318	4320		\$48,840.00 (2016)
	101	46	3318	4320		\$48,840.00 (2017)

Budget Funding Year(s) Start Date: 1/1/2015 End Date: 12/31/2017
(must match resolution)

Funding Source: Tax Dollars 100% Contractor Federal I.D. No./
Social Security No.: _____
State Aid _____
\$150,920.00 Federal Aid _____ Vendor No.: _____
(must match resolution) Other _____ Encumbrance No.: _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/30/2015 - SOMARY VIEIRA, SECRETARY