

**#52517**

Date: August 2, 2016

To: The Honorable Board of Acquisition and Contract

From: Michael Kaplowitz, Chairman
Westchester County Board of Legislators

Re: Authority to amend a “short form” agreement with Fareri Associates, LP (“Fareri”) pursuant to which Fareri agreed to reimburse the County of Westchester (the “County”) an amount not-to-exceed \$20,000 to hire a consultant to conduct a due diligence review of a proposed lease between the County and Fareri, by increasing the not-to-exceed amount payable by Fareri to the County by an additional \$55,000 in order to reimburse the County for the fees of two additional consultants.

On or about May 23, 2016, the County entered into a “short-form” contract with Fareri whereby Fareri agreed to reimburse the County an amount not-to-exceed \$20,000 to retain an outside consultant to conduct a due diligence review of a proposed lease between the County and Fareri for the property known as the “North 60” (the “Lease”). The term of the “short form” agreement with Fareri commenced May 23, 2016 and will continue through May 24, 2017 (the “Agreement”). The Agreement was subsequently executed.

The due diligence review of the Lease, which is being performed by the law firm of Zarin & Steinmetz, is more complex than originally contemplated. The County, acting by and through its Board of Legislators (“Board”), now desires to hire two additional consultants to assist in this review. The consultants are: The Weitzman Group, Inc. for an amount not-to-exceed \$45,000 and Hudson Property Advisors, LLC for an amount not-to-exceed \$10,000.

In order to have sufficient funds available to pay for such services, the County and Fareri desire to amend the Agreement for the limited purpose of increasing the amount not-to-exceed payable by Fareri to the County by an additional \$55,000.

As your Honorable Board is aware, generally amendments to short-form contracts which result in term extensions beyond the one (1) year threshold for short-form contracts and/or increases in the not-to-exceed amount in excess of \$20,000, must first be approved by your Honorable Board. Since the amount of the Agreement will now exceed the not-to-exceed threshold of \$20,000, the authority of your Honorable Board is now required.

Accordingly, authority is respectfully requested to amend the Agreement between the County and Fareri by increasing the not-to-exceed amount by an additional \$55,000, bringing the total contract amount not-to-exceed to \$75,000. Except as specifically amended hereby, all other terms and conditions of the Agreement will remain the same.

As the Agreement does not entail the procurement of goods or services, the requirements of the Westchester County Procurement Policy do not apply.

The Agreement will serve a public purpose by reimbursing the County for costs associated with conducting a due diligence review of the Lease.

Accordingly, your favorable action on the annexed Resolution is most respectfully urged and recommended.

MK/JPG/ta

APPROVED BOARD OF ACQUISITION & CONTRACT - 08/01/2018 - USA MR/IAJ, SECRETARY

RESOLUTION

Upon a communication from the Chairman of the Westchester County Board of Legislators, be it hereby

RESOLVED, that the County of Westchester is hereby authorized to amend a “short form” agreement with Fareri Associates, LP (“Fareri”) whereby Fareri agreed to reimburse the County an amount not-to-exceed \$20,000 to retain an outside consultant to conduct a due diligence review of a proposed lease between the County and Fareri for the property known as the “North 60”, by increasing the not-to-exceed amount payable by Fareri to the County by an additional \$55,000 in order to reimburse the County for the fees of two additional consultants, for a new total contract amount not-to-exceed \$75,000; and be it further

RESOLVED, that except as specifically amended hereby, all other terms and conditions of the Agreement shall remain in full force and effect; and be it further

RESOLVED, that the Chairman of the Westchester County Board of Legislators or his duly appointed designee be, and hereby is, authorized to take such action and execute such documents as may be necessary and proper to effect the purposes hereof.

Account to be
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Sub Unit	Object/ Sub- Object	Dollars
101	10		1000	9289	\$75,000.00

Budget Funding Year(s) 2016 - Start Date 05/23/2016 End Date 05/24/2017
(must match resolution)

Funding Source Tax Dollars \$0.00

State Aid _____

\$0.00 Federal Aid _____

(must match resolution)

Other _____