

76730

Date: May 13, 2020

To: The Honorable Board of Acquisition and Contract

From: Kathleen M. O'Connor
Commissioner of Parks, Recreation and Conservation

Re: Resolution authorizing the County of Westchester to enter into an Agreement with the State of New York, acting by and through the Commissioner of General Services, to utilize the Westchester County Center to construct a temporary emergency facility for purposes related to responding to the COVID-19 public health disaster emergency for a term retroactive to March 31, 2020 through May 31, 2020 with an option to renew upon 15 days' prior, written notice, and mutual agreement of the Parties, and authorizing an extension of the term from May 31, 2020 through August 31, 2020.

Transmitted herewith is a proposed Resolution which, if adopted by your Honorable Board, would authorize the County of Westchester, acting by and through the Department of Parks Recreation and Conservation (the "County"), to enter into a permit agreement (the "Permit Agreement") with the State of New York, acting by and through the Commissioner of General Services (the "State"), to permit the State to utilize the Westchester County Center, as well as the lands, facilities, the East and West parking lots and the parking lot behind the building and appurtenances thereto (the "Premises") to construct a temporary emergency facility for purposes related to responding to the COVID-19 public health disaster emergency ("Emergency Use") for a term retroactive to March 31, 2020 through May 31, 2020 with the option to renew upon 15 days' prior, written notice, and mutual agreement of the Parties, and authorizing an extension from May 31, 2020 through August 31, 2020.

The County will supply all available ordinary and necessary water, gas, electricity, light, heat and sewerage utilities for the Premises. No telephone or telecommunication services will be provided by the County. The State will ensure reimbursement for the reasonable and documented direct costs of operation and maintenance borne by the County as well as any other extraordinary costs incurred by the County to meet the requirements of the State.

Except for the utilities referred to above, the State will be responsibility for providing at its sole cost all services, equipment, maintenance, repair and security necessary to utilize the Premises for the Emergency Use. The State will be responsible for the cost and expense of maintaining

the Premises in a clean and safe condition and for the removal from the Premises of all trash, construction debris, rubbish and any other debris. The State also will be responsible for providing and paying for all staff, professional and otherwise, necessary and required to use the Premises for the Emergency Use.

The State shall cause the third-party users/beneficiaries to enter into a separate agreement with the County to include commercially reasonable insurance and indemnity obligations with respect to such parties' use and occupancy of the Premises, and such insurance shall name the County as an additional insured.

This Permit Agreement will benefit the public because the County Center will be available to help respond to the COVID-19 pandemic and handle a possible overload of COVID-19 patients.

Please note that the County executed the Permit Agreement with the State as an emergency contract, and, therefore, the term is retroactive to March 31, 2020 through May 31, 2020. In addition, the State has notified the County that it wishes to extend the term of the Permit Agreement from May 31, 2020 through August 31, 2020, and, therefore, authorization is also being sought to extend the term through August 31, 2020.

The Permit Agreement is exempt from the County of Westchester Procurement Policy and Procedures pursuant to Section 3(b), which states that the policy shall not apply to real property, leases, licenses and concessions.

I recommend the approval of the attached proposed Resolution.

KMC/ran

Attachment

RESOLUTION

Upon a communication from Commissioner of Parks, Recreation and Conservation, be it hereby

RESOLVED, that the County of Westchester, acting by and through the Department of Parks Recreation and Conservation (the "County"), is authorized to enter into a permit agreement (the "Permit Agreement") with the State of New York, acting by and through the Commissioner of General Services (the "State"), to permit the State to utilize the Westchester County Center, as well as the lands, facilities, the East and West parking lots and the parking lot behind the building and appurtenances thereto (the "Premises") to construct a temporary emergency facility for purposes related to responding to the COVID-19 public health disaster emergency ("Emergency Use") for a term retroactive to March 31, 2020 through May 31, 2020 with the option to renew upon 15 days' prior, written notice, and mutual agreement of the Parties, and be it further

RESOLVED, that the County authorized to extend term from May 31, 2020 through August 31, 2020; and be it further

RESOLVED, that the County will supply all available ordinary and necessary water, gas, electricity, light, heat and sewerage utilities for the Premises, and the State will ensure reimbursement for the reasonable and documented direct costs of operation and maintenance borne by the County as well as any other extraordinary costs incurred by the County to meet the requirements of the State; and be if further

RESOLVED, that except for the utilities referred to above, the State will be responsible for the following: (1) providing at its sole cost all services, equipment, maintenance, repair and security necessary to utilize the Premises for the Emergency Use, (2) providing the cost and expense of maintaining the Premises in a clean and safe condition and for the removal from the Premises of all trash, construction debris, rubbish and any other debris and (3) providing and paying for all staff, professional and otherwise, necessary and required to use the Premises for the Emergency Use; and be it further

RESOLVED, that the State shall cause the third-party users/beneficiaries to enter into a separate agreement with the County to include commercially reasonable insurance and indemnity obligations with respect to such parties' use and occupancy of the Premises, and such insurance shall name the County as an additional insured; and be it further

RESOLVED, that the County Executive or his authorized designee be and hereby is authorized to execute any and all documents necessary and appropriate to effectuate the purposes hereof.

Account to be
Charged/Credited

	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars

*Estimated Amount

Budget Funding Year(s): 2020 Start Date: upon execution End Date: _____
(must match resolution)

Funding Source Tax Dollars _____
State Aid _____
\$ _____ Federal Aid _____
(must match resolution) Other Revenue _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 05/21/2020 - LISA MRIJAJ, SECRETARY