

78092

TO: Board of Acquisition and Contract
FROM: Hugh J. Greechan, Jr., P.E.
Commissioner of Public Works and Transportation
DATE: July 21, 2020
SUBJECT: Change Order No. 1
Lease Agreement No. 19-920
Thirty (30) Year Lease Agreement
Family Court Facility
Garden Street, New Rochelle
Landlord/Contractor: MJ Garden, LLC
Amount of Change Order No. 1: \$55,000.00

On July 15, 2019 the Westchester County Board of Legislators adopted Local Law Intro. No. 11932 - 2019 which authorized the County of Westchester ("County") to enter into a lease agreement for property located in New Rochelle which will be occupied by the Westchester Family Court-New Rochelle (part of the NYS Unified Court System), as well as by the County's Probation Department and the Office for Women, and will replace space currently being leased by the County at 420 North Avenue, New Rochelle.

Thereafter, by resolution approved on July 25, 2019, your Honorable Board authorized the County to enter into a thirty (30) year lease agreement (the "Lease") with The Mark 95, LLC, (the "Landlord"), for approximately 35,000 square feet of space comprising two floors of a yet to be constructed building (the "Building") to be located on all, or a portion of each of the following lots (identified by section-block-lot): 3-802-0043, 3-802-0041, 3-802-0020, 3-802-0038 and 3-802-0033, collectively to be known as 26 Garden Street or such other address approved by the City of New Rochelle, along with a separate secure parking area to be located in the Building which will contain between 50 and 60 secure parking spaces separately allocated for use by County employees and Court personnel. The Lease was executed on August 15, 2020 and thereafter immediately assigned by the Landlord to MJ Garden, LLC.

The Building is currently being constructed by MJ Garden, LLC, in accordance with the final plans, which MJ Garden, LLC provided to me for review and which have been approved by me and substituted for the preliminary plans that were attached to Lease (the "Plans"). As currently written, the Plans call for a separate secure elevator to be installed from the separate secure parking area to the Courthouse and Probation offices. However, due to the layout of the parking structure, the County now requires that the Plans be further modified to allow for an additional elevator stop on the first floor of the Building. MJ Garden, LLC has provided me with the Plans, as further modified. I have reviewed them and find them to be acceptable and they too have been substituted for the original Plans.

Board Acquisition and Contract
Change Order No. 1, Lease Agreement No. 19-920
MJ Garden, LLC
Family Court Facility
Garden Street, New Rochelle
Page 2

The objective of this Change Order is to modify the Plans and complete the work necessary to add an additional elevator stop on the first floor of the Building for the separate secure elevator. MJ Garden, LLC has advised my office that the cost of modifying the Plans and performing the additional work needed will be \$55,000.00.

Pursuant to the terms of the Lease, your Honorable Board, upon my recommendation, is authorized to approve change orders that, in the aggregate, do not exceed ten (10%) percent of the total principal amount for the build-out of the leased premises, without the need for additional Board of Legislator approval. The principal amount for the build out is \$7,000,000.00.

Accordingly, the authority of your Honorable Board is respectfully requested to approve Change Order No. 1 for installation of an additional elevator stop for the separate secure elevator in connection with the construction of the Building to be leased to the County for the new Family Court Facility on Garden Street in New Rochelle in the amount of \$55,000.00.

This Change Order is in the public's best interest because it will enable MJ Garden, LLC to complete construction of the Building.

The Department of Public Works and Transportation will track scheduling and accomplishments by the contractor and perform on-site inspections to ensure the successful completion of this project.

This additional work is incidental to the original work. The work is of the same nature as the initial work, is to be performed in the same general vicinity, is necessary to efficiently complete the project and was unanticipated until work under the contract began. The delivery of possession date is currently June 30, 2021 and will not be affected by this change order.

Accordingly, it is requested that your Honorable Board take action on the following:

Approval of Change Order No. 1

Total Amount of Change Order No. 1.....\$55,000.00

This Change Order has been reviewed by the Law Department and a proposed form of Resolution is attached hereto for your approval.

Approval is recommended.

HJG/JPG

RESOLUTION

RE: LEASE AGREEMENT NO. 19-920
PRINCIPAL AMOUNT OF BUILD OUT: \$ 7,000,000.00
CHANGE ORDER NO. 1: \$ 55,000.00
NET INCREASE: \$ 55,000.00
REVISED PRINCIPAL AMOUNT: \$ 7,055,000.00

CHANGE ORDER NO. 1

Upon communication from the Commissioner of Public Works and Transportation,

WHEREAS, Hugh J. Greechan, Jr., P.E., Commissioner, Public Works and Transportation, requests approval of Change Order No. 1 on Lease Agreement No. 19-920, between the County of Westchester (the "County") and MJ Garden, LLC, 1250 Waters Place PH1, Bronx, New York 10461, for construction of the building which will serve as the County's new Family Court Facility to be located on Garden Street in the City of New Rochelle; and

WHEREAS, it is requested that Lease Agreement No. 19-920 be amended to complete the work necessary to install an additional elevator stop for the separate secure elevator used to take court and Probation personnel from the separate secure parking area to the Courthouse and Probation offices; and

WHEREAS, this matter has been discussed by the Board; now, therefore, be it

RESOLVED, that said Change Order No. 1 on Lease Agreement No. 19-920 be and the same is hereby approved in the amount of \$55,000.00; and be it further

RESOLVED, that the delivery of possession date of this Lease is currently June 30, 2021 and will not be affected by this Change Order; and be it further

RESOLVED, that all other terms and conditions of Lease Agreement No. 19-920 shall remain in full force and effect, and be it further

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

Total Amount of Change Order No. 1 \$55,000.00

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Bond Act No.	Dollars
	101	46	3300	4320	N/A	\$55,000.00

Budget Funding Year(s): 2020 Start Date: 08/01/2020 End Date: 06/29/2051
 (must match resolution)

Funding Source: Tax Dollars 100% County

 State Aid _____

\$55,000.00 Federal Aid _____
 (must match resolution)

 Other _____