

78857

Date: August 20, 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 amend the permit agreement with the State of New York, acting by and through the Commissioner of General Services, dated March 31, 2020, as amended by the first amendment to the permit agreement, dated May 31, 2020, 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 commencing on March 31, 2020 and terminating on August 31, 2020, to extend the term to a new termination date of November 30, 2020.

Your Honorable Board by a resolution approved on May 21, 2020 authorized the County of Westchester, acting by and through the Department of Parks Recreation and Conservation (the "County"), 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 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.

Pursuant to the resolution, the County entered into a permit agreement with the State, dated March 31, 2020 (the "Permit Agreement").

In addition, pursuant to the resolution, the County also entered into a first amendment to the Permit Agreement, dated May 31, 2020, extending the term from May 31, 2020 through August 31, 2020 (the "First Amendment").

The State recently requested a further extension of the Permit Agreement, as amended by the First Amendment. The County is amenable to extending the term from August 31, 2020 to November, 30, 2020 with an option to extend it through December 31, 2020 on mutual agreement.

All other terms and conditions of the Permit Agreement, as amended by the First Amendment, shall remain the same and in full force and effect.

This amendment to the Permit Agreement is exempt from the County Procurement Policy and Procedures pursuant to Section 3(b) thereof, 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/tsa

Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 08/27/2020 - LISA MRIDA, SECRETARY

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 amend the permit agreement (the “Permit Agreement”) with the State of New York, acting by and through the Commissioner of General Services (the “State”), dated March 31, 2020, 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 for a term from March 31, 2020 through May 31, 2020, as amended by the First Amendment to the Permit Agreement, dated May 31, 2020, extending the term from May 31, 2020 to August 31, 2020, to further extend the term from August 31, 2020 to November 30, 2020, with the option to renew through December 31, 2020 upon 15 days’ prior, written notice, and mutual agreement of the Parties, and be it further

RESOLVED, all other terms and conditions of the Permit Agreement shall remain the same and in full force and effect; and be it further

RESOLVED, that the County Executive or his authorized designee is hereby authorized to execute all instruments necessary to implement this Resolution.

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 RESOLUTION & CONTRACT MAY 2020 LEGAL COUNSEL SECRETARY