

79424

**TO:** Board of Acquisition and Contract  
**FROM:** Hugh J. Greechan, Jr., P.E.  
Commissioner of Public Works and Transportation  
**DATE:** September 15, 2020  
**SUBJECT:** Change Order No. 2  
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. 2: \$28,000.00**

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.

Thereafter, by resolution approved on July 30, 2020, your Honorable Board approved 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.

The parties now desire to enter into a second Change Order (Change Order No. 2) to provide card reader/fab units for all three elevator cars, including the car station and controller provisions and for the connection of the security company's wiring to the controllers that are supplied. It should be noted that Change Order No. 2 excludes the card reader/fab units which are to be supplied by the security company.

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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. 2 for the provision of card reader/fab units for all three elevator cars, including the car station and controller provisions and for the connection of the security company's wiring to the controllers that are supplied 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 \$28,000.00.

This Change Order is in the public's best interest because it will provide an extra layer of security for 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. 2

**Total Amount of Change Order No. 2.....\$28,000.00**

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  
Attachment

# RESOLUTION

**RE: LEASE AGREEMENT NO. 19-920**  
**PRINCIPAL AMOUNT OF BUILD OUT: \$ 7,000,000.00**  
**CHANGE ORDER NO. 1: \$ 55,000.00**  
**CHANGE ORDER NO. 2: \$ 28,000.00**  
**NET INCREASE: \$ 28,000.00**  
**REVISED PRINCIPAL AMOUNT: \$ 7,083,000.00**

## CHANGE ORDER NO. 2

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. 2 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 provide card reader/fab units for all three elevator cars, including the car station and controller provisions and for the connection of the security company's wiring to the controllers that are supplied; and

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

**RESOLVED**, that said Change Order No. 2 on Lease Agreement No. 19-920 be and the same is hereby approved in the amount of \$28,000.00; 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. 2 ..... \$28,000.00**

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	\$28,000.00

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      \_\_\_\_\_

\$28,000.00      Federal Aid      \_\_\_\_\_  
 (must match resolution)

Other      \_\_\_\_\_