

ID 80815

Date: November 17, 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, and the second amendment to the permit agreement, dated September 14, 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 to extend the term of the permit agreement to December 31, 2020 with the option to renew through January 31, 2021 upon 15 days prior written notice and mutual agreement of the parties.

Your Honorable Board by a resolution approved on May 21, 2020 authorized the County of Westchester (the "County"), acting by and through the Department of Parks Recreation and Conservation (the "Department"), to enter into a permit agreement with the State of New York, acting by and through the Commissioner of General Services (the "State"), to utilize 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 of the term 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, the County entered into a first amendment to the Permit Agreement, dated May 31, 2020, extending the termination date of the Permit Agreement from May 31, 2020 through August 31, 2020 (the "First Amendment").

By a resolution approved on August 27, 2020, your Honorable Board authorized the County to enter into a second amendment to the Permit Agreement to extend the term of the Permit Agreement 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. The Second Amendment was executed on September 14, 2020.

The State has informed the County that it wishes to renew the term of the Permit Agreement through December 31, 2020 with the option to renew through January 31, 2021, upon 15 days' prior written notice, and mutual agreement of the parties.

The County is amenable to this extension and authorization is now sought to further extend the term of the Permit Agreement from November 30, 2020 to December 31, 2020 with the option to renew through January 31, 2021, upon 15 days prior written notice, and mutual agreement of the parties.

All other terms and conditions of the Permit Agreement, as amended by the First Amendment and Second 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

Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT ADMINISTRATION
11/19/2020 - LISA M. BUSH, 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 amend the permit agreement with the State of New York, acting by and through the Commissioner of General Services (the “State”), dated March 31, 2020, as amended by the First Amendment to the Permit Agreement, dated May 31, 2020 and the Second Amendment to the Permit Agreement, dated September 14, 2020, (collectively, the “Permit Agreement”), 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, to extend the term from November 30, 2020 to December 31, 2020 with the option to renew through January 31, 2021 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: _____ End Date: _____
 (must match resolution)

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

APPROVED BOARD OF RESOLUTION & CONTRACT, MARIJAJ, SECRETARY