



George Latimer
County Executive

Department of Social Services

Leonard G. Townes
Commissioner

90149

DATE: January 12, 2022

TO: Board of Acquisition and Contract

FROM: Leonard G. Townes
Commissioner, Department of Social Services

Christopher D. Steers
Director of Countywide Administrative Services and Real Estate

SUBJECT: Authority for the County of Westchester to, 1.) amend the pending, authorized lease agreement with Rajvi Management, LLC, pursuant to which it is to lease to the County guest rooms at the hotel known as the Ardsley Acres Hotel Court, which is to be used for the purpose of general isolation housing related to COVID-19, by, a.) increasing the number of leased guest rooms from twenty (20) to thirty-five (35), effective January 13, 2022, and b.) increasing the total amount payable under the agreement, based upon the increased number of guest rooms, by \$126,992.25 for the initial term, and with commensurate increases for each one-month option term exercised by the County, based upon the number of rooms, daily rate, and number of days in each option term, and 2.) agree, as part of the terms of the pending, authorized lease, to provide an indemnification to the lessor for certain damages that it may suffer from the County's use of the leased premises.

By a resolution approved on January 6, 2022, your Honorable Board authorized the County of Westchester (the "County") to enter into a lease agreement (the "Agreement") with Rajvi Management, LLC ("Ardsley Acres"), pursuant to which Ardsley Acres is to lease to the County twenty (20) guest rooms at the hotel known as the Ardsley Acres Hotel Court, located at 560 Saw Mill Rover Road in Ardsley, (the "Hotel") which is to be used for the purpose of general isolation housing related to COVID-19, at a rate of \$109.95 per room per night, with no additional cost for parking, for an initial

term commencing at the Hotel's check-in time on January 6, 2022 and continuing through the Hotel's check-out time on March 31, 2022 (the "Initial Term"), with the County having the sole option to extend the term of the agreement for up to three (3) additional months on the same terms as the Initial Term (each an "Option Term").

Due to the time involved in finalizing negotiations with Ardsley Acres regarding certain lease terms, execution of the authorized Agreement is currently pending. However, the County is currently aware that it will require the use of additional guest rooms at the Hotel, and may also ultimately be required to provide an indemnification to Ardsley Acres for certain damages that it may suffer from the County's use of the leased premises.

Accordingly, the County respectfully requests authority from your Honorable Board to, 1.) amend the pending, authorized Agreement, once it is executed, by, a.) increasing the number of leased guest rooms from twenty (20) to thirty-five (35), effective January 13, 2022, and continuing through the remainder of the Initial Term and each Option Term that the County may exercise; and b.) increasing the total amount payable under the Agreement, based upon the increased number of guest rooms, from \$184,716.00 to \$311,708.25, for the Initial Term, and with commensurate increases for each Option Term exercised by the County, based upon the number of rooms, daily rate, and number of days in each Option Term, (the "Amendment") and 2.) agree, as part of the terms of the pending, authorized Agreement, to provide an indemnification to Ardsley Acres for certain damages that it may suffer from the County's use of the leased premises.

Except as specifically described above, all terms and conditions of the authorized Agreement will remain in full force and effect after its execution and the subsequent execution of the proposed Amendment.

The proposed Amendment will serve a public purpose by providing the County with access to additional housing for COVID-19-related isolation purposes, which is intended to help the ill and prevent others from becoming ill.

The goal and objective of the proposed Amendment is to provide the County with access to additional housing for COVID-19-related isolation purposes, which is intended to help the ill and prevent others from becoming ill.

The goal and objective of the proposed Amendment is in the best interests of the County in terms of health and safety, as providing the County with access to additional housing for COVID-19-related isolation purposes, which is intended to help the ill and prevent others from becoming ill, will ensure that additional such persons have safe housing while any possible illness issues are resolved.

The goal and objective of the proposed Amendment will be tracked and monitored by the staff of the Department of Social Services.

As an amendment to a lease, the proposed Amendment is exempt from the Westchester County Procurement Policy pursuant to Section 3(b) thereof.

Section 13 of the Westchester County Procurement Policy specifies that each procurement that is funded, in whole or in part, by federal funds shall be made in accordance with any and all applicable federal laws, regulations, rules, guidance, instructions, or grant terms. To the extent that the regulation is applicable, this procurement complies with 2 C.F.R. 200.320(c)(3), which allows for non-competitive procurement when “[t]he public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation”, based on the emergency that currently exists with regard to COVID-19 and the related urgent need for additional housing that can be used for isolation purposes.

To the extent that the regulation is applicable, the County has complied with 2 CFR 200.318(d) in that the County has determined that a lease, rather than a purchase of real property, is the most economical approach, given the County’s particular needs in terms of the space needed, the required start date, and the intended duration.

Under 2 CFR 200.465, which contains the Federal ‘cost principles’ applicable to lease costs for real property where Federal funds are used, “rental costs are allowable to the extent that the rates are reasonable in light of such factors as: rental costs of comparable property, if any; market conditions in the area; alternatives available; and the type, life expectancy, condition, and value of the property leased.” To the extent that the regulation is applicable, the County has complied with this provision in that the County has determined that, based upon the pertinent factors, the rental costs are reasonable.

I respectfully recommend the adoption of the attached resolution.

CDS/LGT/bdm/nn

APPROVED BOARD OF ACQUISITION & CONTRACT ADMINISTRATION
01/13/2022
RAYMOND SCURF, SECRETARY

RESOLUTION

Upon a communication from the Commissioner of the Department of Social Services, be it hereby:

RESOLVED, that the County of Westchester (the "County") is hereby authorized to amend the pending, authorized lease agreement with Rajvi Management, LLC ("Ardsley Acres"), pursuant to which Ardsley Acres is to lease to the County twenty (20) guest rooms at the hotel known as the Ardsley Acres Hotel Court, located at 560 Saw Mill Rover Road in Ardsley, (the "Hotel") which is to be used for the purpose of general isolation housing related to COVID-19, at a rate of \$109.95 per room per night, with no additional cost for parking, for an initial term commencing at the Hotel's check-in time on January 6, 2022 and continuing through the Hotel's check-out time on March 31, 2022 (the "Initial Term"), with the County having the sole option to extend the term of the agreement for up to three (3) additional months on the same terms as the Initial Term (each an "Option Term"), (the "Agreement") once it is executed, by, a.) increasing the number of leased guest rooms from twenty (20) to thirty-five (35), effective January 13, 2022, and continuing through the remainder of the Initial Term and each Option Term that the County may exercise; and b.) increasing the total amount payable under the Agreement, based upon the increased number of guest rooms, from \$184,716.00 to \$311,708.25, for the Initial Term, and with commensurate increases for each Option Term exercised by the County, based upon the number of rooms, daily rate, and number of days in each Option Term; and be it further

RESOLVED, that the County is hereby authorized to agree, as part of the terms of the pending, authorized Agreement, to provide an indemnification to Ardsley Acres for certain damages that it may suffer from the County's use of the leased premises; and be it further

RESOLVED, that except as specifically hereby authorized to be modified by the Amendment, all terms and conditions of the authorized Agreement shall remain in full force and effect after its execution; and be it further

RESOLVED, that the County Executive or his duly authorized designee is empowered to execute all documents and take all actions necessary to effect the purpose of this resolution.

Resolution approved January 6, 2022 \$184,716.00
 This Amendment \$126,992.25
 New NTE \$311,708.25

Account to be
 Charged/Credited

Fund	Dept	Unit	Object/ Sub Object	Trust Account	Activity	Dollars
101	22	8900	5998			\$126,992.25

Budget Funding Year(s): 2022 Start Date: 01/13/22 End Date: 03/31/22
 (must match resolution)

Funding Source Tax Dollars: 71%
 State Aid: 29%
\$126,992.25 Federal Aid: N/A
 (must match resolution) Other: N/A

APPROVED BOARD OF ACQUISITION & CONTRACT 01/13/2022 - RAYMOND SCULKY SECRETARY