

51686

**DATE:** March 29, 2016

**TO:** Board of Acquisition and Contract

**FROM:** Jay T. Pisco, P.E.  
Commissioner, Department of Public Works and Transportation

Adam Rodriguez  
Director of Real Estate

**SUBJECT:** Authority to retroactively enter into an Agreement with the State of New York, acting by and through its Department of Labor (“NYSDOL”) pursuant to which NYSDOL will grant a permit to the County for the use and occupancy of 7,541 square feet of space at the NYSDOL Offices located at 120 Bloomingdale Road in White Plains, New York for the period from May 1, 2012 through April 30, 2015 for a total aggregate amount not to exceed \$630,276.78.  
(Agreement No. 16-905)

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Transmitted herewith is a Resolution requesting authority from your Honorable Board for the County of Westchester to retroactively enter into an agreement with the State of New York, acting by and through its Department of Labor (“NYSDOL”) pursuant to which NYSDOL will grant to the County a permit for the use and occupancy of 7,541 square feet of space at the NYSDOL Offices located at 120 Bloomingdale Road in White Plains, New York (the “Agreement”). The space will be used by the Westchester County Department of Social Services (“DSS”) for its Office of Workforce Investment.

The Agreement is for the period retroactive to May 1, 2012 through April 30, 2015. In consideration for the grant of the permit, the County shall pay NYSDOL at the rate of \$27.86 per square foot per year for a total permit fee of \$210,092.26 per year, not-to-exceed \$630,276.78 for the three year term of the Agreement. Payment will be made in one lump sum upon execution of the Agreement by both parties and approval of same by the Office of the County Attorney.

It should be noted that the reason the County is seeking retroactive approval for this permit agreement is because the County did not receive a contract from NYSDOL for over two years. When we received the contract from NYSDOL, we realized that the terms of the agreement were modified without our approval and it took another year of negotiation for NYSDOL to agree to use the same terms the County agreed to initially.

Board of Acquisition and Contract  
Agreement No. 16-905  
New York State Department of Labor  
Use of Space at 120 Bloomingdale Road, White Plains, New York  
Department of Social Services Office of Workforce Investment  
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The goals and objectives of this Agreement are to combine the two separate operations of the Westchester One Stop Employment Center with that of the New York State Department of Labor's Office of Employment Services (DoES) in the City of White Plains as required by the mandatory functional alignment plan that was approved by the NYSDOL Office of Workforce Development. Further, the goal is to reduce operational cost and operation efficiency through cost sharing and the combination of existing staff and resources between the two agencies. Further, this action will enhance the capabilities of the system and hence the public's perception of its ability to meet the related workforce needs of businesses, workers and job seekers.

These goals and objectives are in the best interest of the County because they allow for the continued delivery of high quality workforce assistance and preparation services in one centralized and accessible location, and produces significant cost savings at a time when federal workforce investment funds are being rescinded.

The goals and objectives of this contract will be tracked and monitored through the monthly financial and program reports that will reflect the operational cost savings, the number of customers served, and the variety and levels of services being used by the customers.

This Agreement is exempt from the Westchester County Procurement Policy pursuant to Section 3(b) thereof.

An appropriate Resolution is herewith attached for your Honorable Board's consideration.

JTP/AR/jpg  
Attachment

# RESOLUTION

Upon a communication from the Commissioner of Public Works and Transportation and the Director of Real Estate, be it hereby

**RESOLVED**, that the County of Westchester (the "County") is authorized to retroactively enter into an agreement with the State of New York, acting by and through its Department of Labor ("NYSDOL"), pursuant to which NYSDOL will grant to the County a permit for the use and occupancy of 7,541 square feet of space at the NYSDOL's Offices located at 120 Bloomingdale Road in White Plains, New York for the period from May 1, 2012 through April 30, 2015 (the "Agreement"); and be it further

**RESOLVED**, that in consideration for the granting of the permit, the County shall pay NYSDOL at the rate of \$27.86 per square foot per year for a total permit fee of \$210,092.26 per year, not-to-exceed \$630,276.78 for the three year term of the Agreement; and be it further

**RESOLVED**, that the total aggregate permit fee shall be payable in one lump sum upon execution of the Agreement by both parties and approval of same by the Office of the County Attorney; 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 purpose hereof.

Agreement No. 16-905

| Account to be Charged/Credited | Fund     | Dept. | Major Program, Program & Phase Or Unit | Object/ Sub Object | Trust Account | Dollars      |
|--------------------------------|----------|-------|----------------------------------------|--------------------|---------------|--------------|
|                                | 2012-101 | 46    | BSA 46M015                             |                    |               | \$165,582.24 |
|                                | 2013-101 | 46    | BSA 46N015                             |                    |               | \$235,613.00 |
|                                | 2014-101 | 46    | BSA 46P008                             |                    |               | \$229,081.54 |

Budget Funding Year(s) 2012-2015 Start Date 05/01/2012 End Date 04/30/2015  
 (must match resolution)

Funding Source: Tax Dollars \_\_\_\_\_

State Aid \_\_\_\_\_

\$630,276.78 Federal Aid 100%

(must match resolution)

Other \_\_\_\_\_