

January 7, 2010

TO: Honorable Board of Acquisition and Contract

FROM: John J. Hsu, P.E.  
Acting Commissioner of Public Works

SUBJECT: Authorization to enter into a five (5) year Lease Agreement with One Gateway Plaza, LLC commencing February 1, 2010 for approximately 1,680 square feet of space located at One Gateway Plaza, Port Chester, New York, for a first year base annual rent of \$50,565.12. (Agreement No. 10-900)

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Since 2003, the County of Westchester (the "County") has leased space at One Gateway Plaza, Port Chester, New York for the County's Department of Health to operate the Women Infant Children (WIC) Program. The current lease expires on January 31, 2010.

The attached resolution authorizes the County to enter into a new five (5) year lease with One Gateway Plaza, LLC (the "Landlord") commencing February 1, 2010 for approximately 1,680 square feet of space located on the first floor at One Gateway Plaza for a first year base annual rent of \$50,565.12, subject to annual three percent (3%) increases. The County will also be responsible for additional rent consisting of: 1) a tax escalation (the County's pro rata share of tax increases based on the County's percentage of the entire space in the building project); 2) expense escalation (the County's pro rata share of the Landlord's expense increases related to the operation and maintenance of the building project based on the County's percentage of the entire space in the building project); and 3) electric charges at a rate of \$2.75 per square foot, subject to increases based on increases in the Landlord's electric rates.

The public purpose of this agreement is to provide for the continuance of the operation of the essential WIC Program. If this agreement is not approved, we would not be able to provide taxpayers with the vital services offered under the WIC Program. There are no energy or environmental components associated with this agreement.

This agreement will be monitored by the Department of Public Works to insure that the lease responsibilities are met by the owner.

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

Your approval of the attached resolution is respectfully requested.

# R E S O L U T I O N

Upon a communication from the Acting Commissioner of Public Works, be it hereby

**RESOLVED**, that the County of Westchester is authorized to enter into a five (5) year lease agreement with One Gateway Plaza, LLC (the "Landlord") commencing February 1, 2010 for approximately 1,680 square feet of space located at One Gateway Plaza, Port Chester, New York, for a first year base annual rent of \$50,565.12, subject to annual three percent (3%) increases; and be it further

**RESOLVED**, that the County of Westchester will also be responsible for additional rent consisting of: 1) a tax escalation (the County's pro rata share of tax increases based on the County's percentage of the entire space in the building project); 2) expense escalation (the County's pro rata share of the Landlord's expense increases related to the operation and maintenance of the building project based on the County's percentage of the entire space in the building project); and 3) electric charges at a rate of \$2.75 per square foot, subject to increases based on increases in the Landlord's electric rates; and be it further

**RESOLVED**, that this lease agreement is executory only to the extent of monies appropriated and available for the purposes of this lease; and be it further

**RESOLVED**, that the County Executive or his duly authorized designee is hereby authorized and empowered to execute all instruments and to take all actions necessary to effectuate the purposes hereof.

Agreement No. 10-900

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	263	27	484J	5220	T484	\$50,586.36 (2010)
	263	27	484J	5220	T484	\$56,575.63 (2011)
	263	27	484J	5220	T484	\$58,134.35 (2012)
	263	27	484J	5220	T484	\$59,739.77 (2013)
	263	27	484J	5220	T484	\$61,393.31 (2014)
	263	27	484J	5220	T484	\$ 5,127.62 (2015)

Budget Funding Year(s) 2010-2015 Start Date 02/01/10 End Date 01/31/15  
 (must match resolution)

Funding Source: Tax Dollars \_\_\_\_\_ Contractor Federal I.D. No./ Social Security No.: \_\_\_\_\_  
 State Aid \_\_\_\_\_  
\$291,557.04 Federal Aid \_\_\_\_\_ Vendor No.: \_\_\_\_\_  
 (must match resolution) Other 100% WIC Grant Encumbrance No.: \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT - 1-28-2010 JOMAR VIEIRA, SECRETARY