

70318

DATE: June 25, 2019

TO: Honorable Members
Board of Acquisition and Contract

FROM: Rocco A. Pozzi
Commissioner of Probation

**RE: RESOLUTION TO AMEND THE MARCH 7, 2019 RESOLUTION
AUTHORIZING THE FIRST AMENDMENT TO THE LEASE AGREEMENT
WITH PROTEUS ON-DEMAND FACILITIES, LLC. FOR TEMPORARY
STRUCTURES ON THE GROUNDS OF WOODFIELD COTTAGE TO
INCREASE THE AMOUNT PAYABLE BY AN ADDITIONAL \$138,000.00 IN
ORDER TO PAY UP TO SIX MONTHS OF ADDITIONAL RENT FOR THE
GIRLS UNIT**

By Resolution of your Honorable Board on July 19, 2018, the County of Westchester (the "County"), acting by and through its Department of Probation ("Probation") was authorized to enter into a lease agreement (the "Lease") with Proteus On-Demand Facilities, LLC. ("Proteus"), for an amount not to exceed \$8,428,266, to lease temporary structures, related equipment and other tangible items (the "Units") in which to temporarily house adolescent Offenders who have been court-ordered to secure detention and cannot be detained in Woodfield Cottage with juvenile delinquents pursuant to the "Raise the Age" legislation. The Lease was subsequently entered into on August 6, 2018.

By Resolution of your Honorable Board on March 7, 2019, the County was authorized to enter into a first amendment (the "First Amendment") of the Lease in order to provide for separate dates by which the Units are handed over to the County to use the Girls and Boys Units and to make any other necessary conforming changes to the Lease for this purpose and increase the amount of the lease by up to \$46,000.00 in order to provide for up to two additional monthly payments for the Girls Unit at \$23,000.00 per month until the Hand-Over date of the Boys Unit occurs., The First Amendment was executed on March 14, 2019 and the County has been using the Girls Unit since.

Due to unforeseen circumstances, installation of the Boys Unit has taken a much longer period of time than anticipated. This necessitates the continued payment of \$23,000 per month for use of the Girls Unit until the Boys Unit is completed and Hand-Over takes place under the Lease for the Boys Unit, at which time the original Lease rental of \$69,000 per month for both units will occur.

Accordingly, it is respectfully requested that the terms of the March 7, 2019 resolution be amended in order to increase the amount of the Lease by an additional amount not to exceed \$138,000.00 in order to provide for up to six additional monthly payments for the Girls Unit at \$23,000.00 per month until the Hand-Over date of the Boys Unit occurs.

Accordingly, I recommend adoption of the annexed proposed Second Amendment.

RAP/JR/JRC
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 06/27/2019 - LISA MRIJAJ, SECRETARY

RESOLUTION

Upon a communication from the Commissioner of Probation, be it hereby

RESOLVED, that the resolution adopted by this Honorable Board on March 7, 2019 authorizing the First Amendment to the Lease with Proteus On-Demand Facilities, LLC., of temporary structures, related equipment and other tangible items ("Units") in which to temporarily house Adolescent Offenders who have been court-ordered to secure pursuant to the "Raise the Age" legislation, which added language to the Lease to separate the Hand-Overs dates of the Girls and the Boys Units and authorized a separate rental payment of \$23,000 per month for the County's use of the Girls Unit until the Hand-Over date of the Boys Unit is hereby amended to increase the total amount payable under the Lease by an additional \$138,000.00 to pay for up to six additional monthly rental payments for the Girls Unit until the Hand-Over date of the Boys Unit occurs; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized to execute any documents and take any actions reasonably necessary and appropriate to effectuate the purposes of this Resolution.

Agreement No. _____

Account to be Charged	Fund	Dept.	Major Program, Program & Phase or Unit	Object/ Sub Object	Trust Account	Dollars
	101	39	2000/2200	4320		\$138,000

Budget Funding Year(s) Start Date: 5/2019 End Date: 10/2019
(must match resolution)

Funding Source Tax Dollars: _____
State Aid: \$138,000 _____
Federal Aid _____
Other _____

(must match resolution)