

71208

DATE: August 16, 2019

TO: Board of Acquisition and Contract

FROM: Kenneth W. Jenkins
Deputy County Executive

RE: **Authority to enter into an agreement with Broad Avenue Realty Company, Inc., pursuant to which the County will purchase from Broad Avenue Realty Company, Inc., certain architectural plans developed for Broad Avenue Realty Company, Inc., for the County's use in connection with a proposed Family Court facility at 366 Pelham Road in New Rochelle for an amount not-to-exceed \$350,000.**

Authority is requested for the County of Westchester (the "County") to enter into an agreement with Broad Avenue Realty Company, Inc. ("Broad"), the owner of the property located at 366 Pelham Road in New Rochelle (the "Premises"), pursuant to which the County will purchase from Broad certain plans developed for Broad for the County's use in connection with the New Rochelle Family Court facility (the "Plans"). In consideration for selling the Plans to the County, the County will pay Broad the sum of \$350,000 upon the County's receipt of the Plans.

By way of background, in contemplation of leasing the Premises to the County for use as a Family Court facility, Broad engaged an architect and an engineering firm to prepare plans for the County's installation (the "Plans"). Broad advanced payment for the Plans to the architect and engineering firm with the expectation that the County would reimburse Broad for such costs as additional rent during the term of the proposed lease. The County ultimately decided not to lease the Premises from Broad. Instead, it will be leasing a yet to be constructed building located on Garden Street in New Rochelle from a different landlord (the "Garden Street Property"). However, the County would nevertheless like to purchase the Plans from Broad for possible use in the build out of the Family Court facility at the Garden Street Property.

Authority to exempt this Agreement from the requirements of the Westchester County Procurement Policy and Procedures pursuant to Section 3(a)xxi thereof, has been granted by your Honorable Board in accordance with a separate resolution of even date herewith.

Authority for the County to enter into this Agreement for the purposes as herein described is most respectfully requested.

RESOLUTION

Upon a communication from the Deputy County Executive, be it hereby

RESOLVED, that the County of Westchester (“County”) is authorized to enter into an agreement with Broad Avenue Realty Company, Inc. (“Broad”), pursuant to which the County will purchase from Broad certain architectural plans developed for Broad for the County’s use in connection with a proposed Family Court facility at 366 Pelham Road in New Rochelle (the “Plans”) for an amount not-to-exceed \$350,000, payable upon the County’s receipt of the Plans; and be it further

RESOLVED, that this Agreement shall be subject to County appropriations; and be it further

RESOLVED, that this Agreement is also subject to further financial analysis of the impact of any New York State Budget (the “State Budget”) proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Contractor, then the Contractor shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further

RESOLVED, that the County Executive or his duly authorized designee is authorized to execute said agreement and all documents necessary to effectuate the purposes hereof.

Account to be
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars
101	46	3300	4420		\$350,000

Budget Funding Year 2019 Start Date _____ End Date _____
(must match resolution)

Funding Source Tax Dollars _____ 100% _____
State Aid _____

\$350,000 _____ Federal Aid _____
(must match resolution) Other _____