



# Westchester Community College

State University of New York

**74181**

TO: Board of Acquisition and Contract

FROM: Dr. Belinda S. Miles  
President, Westchester Community College

DATE: January 22, 2020

RE: Authority to enter into a license agreement with the City of White Plains pursuant to which the City of White Plains will grant to the County a license to allow Westchester Community College (“WCC”) to occupy and use a portion of the first floor of a building located at 303 Quarropas Street, White Plains, N.Y. 10601 for the purpose of conducting workforce development education classes, training and related programs, for a term of two (2) years commencing on or about February 1, 2020, for a total amount not-to-exceed \$291,570.

Authority is requested for the County of Westchester (the “County”), acting by and through WCC, to enter into a license agreement with the City of White Plains (the “City”), pursuant to which the City will grant the County a license that would allow WCC to occupy and use the first floor of a building located at 303 Quarropas Street, White Plains, N.Y. 10601 in which the City is a tenant (the “Premises”), for the purpose of conducting workforce development education classes, training and related programs, for a two (2) year term commencing on or about February 1, 2020 (the “Agreement”). In consideration for granting the license, the County will pay the City a license fee of \$12,000 a month (the “Monthly Fee”), not to exceed the aggregate sum of \$291,570. It should be noted that after September 1, 2020, the actual increased cost, if any, of the City’s maintenance and services expenses relating to the Premises, prorated for the size of the area occupied by WCC, shall be added to the Monthly Fee and paid by the County, provided, however, that such increased cost shall not exceed 1.75% of the Monthly Fee.

Pursuant to the terms of the proposed Agreement, both the City and the County will each agree to indemnify the other from and against any and all claims losses, actions, damages, liabilities and expenses (including attorneys’ fees and disbursements) (except if same is a result of the gross negligence or willful misconduct of the party to be indemnified or its officers, servants, or employees) for, or in connection with, any accident, injury or damage whatsoever caused by the negligent acts or omissions or willful

misconduct of the indemnifying party to any person or property arising, directly or indirectly, or occurring in, on or about, the Premises or any part thereof.

The proposed Agreement is exempt from application of the Westchester County Procurement Policy pursuant to section 3(b) thereof which exempts contracts for real property licenses.

The Agreement will serve a public purpose by providing additional satellite classroom space for WCC to further its educational objectives.

Accordingly, approval of the attached resolution is most respectfully recommended.

BSM/JPI/jpg  
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 02/20/2020 - LISA MARIJAJ, SECRETARY

## RESOLUTION

Upon communication from the President of Westchester Community College, be it

**RESOLVED**, that the County of Westchester (the “County”), acting by and through Westchester Community College (“WCC”), is hereby authorized to enter into a license agreement with the City of White Plains (the “City”), pursuant to which the City will grant the County a license that would allow WCC to occupy and use the first floor of a building located at 303 Quarropas Street, White Plains, NY 10601 in which the City is a tenant (the “Premises”), for the purpose of conducting workforce development education classes, training and related programs, for a term of two (2) years commencing on or about February 1, 2020 (the “Agreement”); and be it further

**RESOLVED**, that in consideration for granting the license, the County will pay the City a license fee of \$12,000 a month (the “Monthly Fee”), not to exceed the aggregate sum of \$291,570; and be it further

**RESOLVED**, that after September 1, 2020, the actual increased cost, if any, of the City’s maintenance and services expenses relating to the Premises, prorated for the size of the area occupied by WCC, shall be added to the Monthly Fee and paid by the County, provided, however, that such increased cost shall not exceed 1.75% of the Monthly Fee; and be it further

**RESOLVED**, that pursuant to the terms of the proposed Agreement, both the City and the County will each agree to indemnify the other from and against any and all claims and losses, actions, damages, liabilities and expenses (including attorneys’ fees and disbursements) (except if same is a result of the gross negligence or willful misconduct of the party to be indemnified or its officers, servants, or employees) for, or in connection with, any accident, injury or damage whatsoever caused by the negligent acts or omissions or willful misconduct of the indemnifying party to any person or property arising, directly or indirectly, or occurring in, on or about, the Premises or any part thereof; 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 purposes hereof.

Account to be  
Charged/Credited

Fiscal Year	Fund	Dept	Major Program, Program & Phase Or Unit	Object Sub-Object	Trust Account	Dollars
19/20	703	9997	9524	5432001	T524	\$85,041
20/21	703 701	9997 8110	9524	5432001 5432001	T524	\$3,797 \$141,988
22/23	701	8110		5432001		\$60,744

Budget Funding Year(s): Start Date: 2/1/20 End Date: 1/31/22  
(must match resolution)

Funding Source  
\$291,570  
(must match resolution)

Tax Dollars: \_\_\_\_\_  
State Aid: \$89,211 \_\_\_\_\_  
Federal Aid: \_\_\_\_\_  
Other: \$202,359 \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT - 02/20/2020 - LISA MRUJAJ, SECRETARY