



George Latimer  
County Executive

Department of Social Services

Kevin M. McGuire  
Commissioner

**76321**

**DATE:** April 27, 2020

**TO:** Board of Acquisition and Contract

**FROM:** Kevin M. McGuire  
Commissioner, Department of Social Services

Gary A. Friedman  
Director of Real Estate

**SUBJECT:** Authority for the County of Westchester to enter into a lease agreement with Saw Mill Lodging LLC, pursuant to which it will lease to the County five (5) rooms at the hotel known as the Days Inn by Wyndham Elmsford/White Plains, which will be used to house for COVID-19 patients who have been released from the hospital but are not yet able to return to their prior housing.

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Authority is respectfully requested from your Honorable Board for the County of Westchester (the "County") to enter into a lease agreement (the "Agreement") with Saw Mill Lodging LLC ("Saw Mill Lodging"), pursuant to which Saw Mill Lodging will lease to the County five (5) rooms within the building known as Building 'A' at the hotel known as the Days Inn by Wyndham Elmsford/White Plains, located at 25 Valley Avenue in Elmsford, (the "Days Inn") which will be used to house for COVID-19 patients who have been released from the hospital but are not yet able to return to their prior housing, for a two (2) week rental cost of \$5,000.00, for an initial term commencing on May 1, 2020 and continuing through May 14, 2020 (the "Initial Term"), with the County having the sole option to extend the term of the agreement for up to three (3) additional periods of two (2) weeks (each a "Renewal Term"), each of which shall be for a two-week rental cost of \$5,000.00 and otherwise on the same terms as the Initial Term, with the exercise of the option for each Renewal Term being subject to the following conditions:

- 1.) For the first Renewal Term (May 15, 2020 through May 28, 2020), the County shall be required to provide notice of its intent to exercise its option on or before May 11, 2020.
- 2.) For the second Renewal Term (May 29, 2020 through June 11, 2020), the County shall be required to provide notice of its intent to exercise its option on or before May 25, 2020. However, this option shall only be available to the County if the County's option for June 1, 2020 through June 30, 2020, under a separate lease agreement between the County and the Lessor for the building known as Building 'C' of the Hotel, was previously exercised.
- 3.) For the third Renewal Term (June 12, 2020 through June 25, 2020), the County shall be required to provide notice of its intent to exercise its option on or before June 8, 2020. However, this option shall only be available to the County if the County's option for June 1, 2020 through June 30, 2020, under a separate lease agreement between the County and the Lessor for the building known as Building 'C' of the Hotel, was previously exercised.

Under the proposed Agreement, the County will be given use of two (2) commercial washers and dryers at the Days Inn.

In order to enable the County to quickly exercise the above-described options based upon the conditions that exist shortly before the deadline for each option-exercise, authority is now respectfully requested from your Honorable Board for the County to exercise each of those options on an as-needed basis, as determined by Commissioner of Social Services.

The proposed Agreement will serve a public purpose by providing housing for COVID-19 patients who have been released from the hospital but are not yet able to return to their prior housing.

The goal and objective of the proposed Agreement is to provide housing for COVID-19 patients who have been released from the hospital but are not yet able to return to their prior housing.

The goal and objective of the proposed Agreement is in the best interests of the County in terms of health and safety, as providing housing for COVID-19 patients who have been released from the hospital but are not yet able to return to their prior housing will ensure that such persons have the safe housing and attention that they need while they recuperate.

The goal and objective of the proposed Agreement will be tracked and monitored by the staff of the Department of Social Services.

As a lease, the proposed Agreement is exempt from the Westchester County Procurement Policy pursuant to Section 3(b) thereof.

Section 13 of the Westchester County Procurement Policy specifies that each

procurement that is funded, in whole or in part, by federal funds shall be made in accordance with any and all applicable federal laws, regulations, rules, guidance, instructions, or grant terms. To the extent that it is applicable, this procurement complies with 2 C.F.R. 200.320(f)(2), which allows for non-competitive procurement when “[t]he public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation,” based on the emergency that currently exists with regard to COVID-19 and the related urgent need for housing for persons who are recuperating from the virus.

To the extent that it is applicable, the Director of Real Estate has complied with 2 CFR 200.318(d) in that he has determined that a lease, rather than a purchase of real property, is the most economical approach, given the County’s particular needs in terms of the space needed, the required start date, and the intended duration.

Under 2 CFR 200.465, which contains the Federal ‘cost principles’ applicable to lease costs for real property where Federal funds are used, “rental costs are allowable to the extent that the rates are reasonable in light of such factors as: rental costs of comparable property, if any; market conditions in the area; alternatives available; and the type, life expectancy, condition, and value of the property leased.” The Director of Real Estate has determined that, based upon the pertinent factors, the rental costs are reasonable.

I respectfully recommend the adoption of the attached Resolution.

KMM/GF/bdm/nn

APPROVED BOARD OF ACQUISITION & CONVEYANCE 04/30/2020 LISA MRINA, SECRETARY

## RESOLUTION

Upon a communication from the Commissioner of the Department of Social Services and the Director of Real Estate, be it hereby:

**RESOLVED**, that the County of Westchester (the "County") is hereby authorized to enter into a lease agreement (the "Agreement") with Saw Mill Lodging LLC ("Saw Mill Lodging"), pursuant to which Saw Mill Lodging will lease to the County five (5) rooms within the building known as Building 'A' at the hotel known as the Days Inn by Wyndham Elmsford/White Plains, located at 25 Valley Avenue in Elmsford, (the "Days Inn") which will be used to house for COVID-19 patients who have been released from the hospital but are not yet able to return to their prior housing, for a two (2) week rental cost of \$5,000.00, for an initial term commencing on May 1, 2020 and continuing through May 14, 2020 (the "Initial Term"), with the County having the sole option to extend the term of the agreement for up to three (3) additional periods of two (2) weeks (each a "Renewal Term"), each of which shall be for a two-week rental cost of \$5,000.00 and otherwise on the same terms as the Initial Term, with the exercise of the option for each Renewal Term being subject to the following conditions:

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- 3.) For the third Renewal Term (June 12, 2020 through June 25, 2020), the County shall be required to provide notice of its intent to exercise its option on or before June 8, 2020. However, this option shall only be available to the County if the County's option for June 1, 2020 through June 30, 2020, under a separate lease agreement between the County and the Lessor for the building known as 'Building C' of the Hotel, was previously exercised.

; and be it further

**RESOLVED**, that, under the Agreement, the County will be given use of two (2) commercial washers and dryers at the Days Inn; and be it further

**RESOLVED**, that the County is hereby authorized to exercise each of the options under the Agreement on an as-needed basis, as determined by Commissioner of Social Services; and be it further

**RESOLVED**, that the Agreement is subject to County appropriations; and be it further

**RESOLVED**, that the 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 the 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 the 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 the Agreement upon reasonable prior written notice; and be it further

**RESOLVED**, that the County Executive or his duly authorized designee is empowered to execute all documents and take all actions necessary to effect the purpose of this resolution.

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APPROVED BOARD OF ACQUISITION & CONTRACTS  
04/30/2020  
US AIR FORCE SECRETARY

Account to be  
Charged/Credited

Fund	Dept	Unit	Object/ Sub Object	Trust Account	Activity	Dollars
101	22	0010	4998			\$20,000

Budget Funding Year(s): 2020 Start Date: 05/01/20 End Date: 06/25/20  
(must match resolution)

Funding Source

\$20,000.00  
(must match resolution)

Tax Dollars: \_\_\_\_\_  
State Aid: \_\_\_\_\_  
Federal Aid: 100% \_\_\_\_\_  
Other: \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACTS - 04/30/2020 - LISA MRJAS SECRETARY