

82661

Date: February 12, 2021

To: The Honorable Board of Acquisition and Contract

From: Kathleen M. O'Connor
Commissioner of Parks, Recreation and Conservation

Re: Resolution authorizing the County of Westchester to amend the permit agreement with the State of New York, acting by and through the Commissioner of General Services, dated March 31, 2020, as amended, to utilize the Westchester County Center to construct a temporary emergency facility for purposes related to responding to the COVID-19 public health disaster emergency in order to expand the uses permitted at the premises to include responding to the COVID-19 public health disaster emergency, including, but not limited to testing and administering the Coronavirus vaccine, and approve the Westchester County Health Care Corporation as a subcontractor to administer the COVID-19 vaccine at the premises.

Your Honorable Board by a resolution approved on May 21, 2020 authorized the County of Westchester (the "County"), acting by and through the Department of Parks Recreation and Conservation, to enter into a permit agreement with the State of New York (the "State"), acting by and through the Commissioner of General Services, to utilize the Westchester County Center (the "Premises") to construct a temporary emergency facility for purposes related to responding to the COVID-19 public health disaster emergency for a term retroactive to March 31, 2020 through May 31, 2020, as well as an extension of the term of the permit agreement from May 31, 2020 through August 31, 2020.

Pursuant to the May 21st 2020 resolution, the County entered into a permit agreement with the State, dated March 31, 2020 (the "Permit Agreement") and a first amendment to the Permit Agreement, dated May 28, 2020, extending the term of the Permit Agreement from May 31, 2020 through August 31, 2020 (the "First Amendment").

By a resolution approved on August 27, 2020, your Honorable Board authorized the County to extend the term of the Permit Agreement from August 31, 2020 to November 30, 2020, with the option to renew through December 31, 2020, upon 15 days prior written notice and mutual agreement of the parties (the "Second Amendment"). The Second Amendment was executed on September 14, 2020.

By a resolution approved on November 19, 2020, your Honorable Board authorized the County to extend the term of the Permit Agreement from November 30, 2020 to December 31, 2020, with the option to renew through January 31, 2021, upon 15 days' prior written notice and mutual agreement of the parties (the "Third Amendment"). The Third Amendment was executed on November 23, 2020.

By a resolution approved on November 19, 2020, your Honorable Board authorized the County to extend the term of the Permit Agreement from November 30, 2020 to December 31, 2020, with the option to renew through January 31, 2021, upon 15 days' prior written notice and mutual agreement of the parties (the "Third Amendment"). The Third Amendment was executed on November 23, 2020.

By a resolution approved on December 23, 2020, your Honorable Board authorized the County to extend the term of the Permit Agreement from December 31, 2020 to March 31, 2021, with the option to renew through April 30, 2021, upon 15 days' prior written notice and mutual agreement of the parties (the "Fourth Amendment"). The Fourth Amendment was executed on December 30, 2020.

The parties now wish to amend the Permit Agreement, as amended, to expand the uses permitted at the Premises to include responding to the COVID-19 public health disaster emergency, including, but not limited to testing and administering the Coronavirus vaccine, and approve the Westchester County Health Care Corporation as a State subcontractor to administer the COVID-19 vaccine at the Premises.

Please note that the State through an agreement between the New York State Department of Health and the WCHCC (the "NYSDOH Agreement") has provided for the WCHCC to defend, indemnify and insure the County for the its actions at the Premises, and has made the County a third party beneficiary to the provisions in the NYSDOH Agreement.

This amendment to the Permit Agreement is exempt from the County Procurement Policy pursuant to Section 3(b) thereof, which states that the policy shall not apply to real property, leases, licenses and concessions.

I recommend the approval of the attached proposed Resolution.

KMC/RAN

Attachment

RESOLUTION

Upon a communication from Commissioner of Parks, Recreation and Conservation, be it hereby

RESOLVED, that the County of Westchester (the “County”), acting by and through the Department of Parks Recreation and Conservation, is authorized to amend the permit agreement with the State of New York (the “State”), acting by and through the Commissioner of General Services, dated March 31, 2020, as amended by the First Amendment to the permit agreement, dated May 28, 2020, the Second Amendment to the permit agreement, dated September 14, 2020, the Third Amendment to the permit agreement, dated November 23, 2020, and the Fourth Amendment to the permit agreement, dated December 30, 2020 (collectively, the “Permit Agreement”), to expand the uses permitted at the Premises to include purposes related to responding to the COVID-19 public health disaster emergency, including, but not limited to testing and administering the Coronavirus vaccine; and be it further

RESOLVED, the County hereby approves the following corporation as State subcontractor to administer the COVID-19 vaccine at the Premises:

Westchester County Health Care Corporation d/b/a Westchester Medical Center
 Executive Offices
 Taylor Pavilion
 100 Woods Road
 Valhalla, NY 10595; and be it further

RESOLVED, all other terms and conditions of the Permit Agreement shall remain the same and in full force and effect; and be it further

RESOLVED, that the County Executive or his authorized designee is hereby authorized to execute all instruments necessary to implement this Resolution.

Account to be
 Charged/Credited

	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars

*Estimated Amount

Budget Funding Year(s): _____ Start Date: upon execution End Date: _____
 (must match resolution)

Funding Source _____ Tax Dollars _____
 _____ State Aid _____
 \$ _____ Federal Aid _____
 (must match resolution) Other ___ Revenue _____

APPROVED BOARD OF RESOLUTION CONTRACT 04/18/2021 LEGAL COUNSEL SECRETARY