



George Latimer
County Executive

Department of Social Services

Leonard G. Townes
Commissioner

87572

DATE: September 15, 2021

TO: Board of Acquisition and Contract

FROM: Leonard G. Townes
Commissioner, Department of Social Services

SUBJECT: Authority for the County of Westchester to enter into a lease agreement with Sonesta International Hotels Corporation, pursuant to which it will lease to the County guest rooms and a conference room at the hotel known as the Sonesta White Plains Downtown, which will be used to temporarily house families displaced due to Tropical Storm Ida.

Authority is respectfully requested from your Honorable Board for the County of Westchester (the "County") to enter into a lease agreement (the "Agreement") with Sonesta International Hotels Corporation ("Sonesta"), pursuant to which Sonesta will lease to the County guest rooms and a conference room, as specified below, at the hotel known as the Sonesta White Plains Downtown, located at 66 Hale Avenue in White Plains, (the "Hotel") which will be used to temporarily house families displaced due to Tropical Storm Ida, and provide space to serve meals to, and hold meetings for, the housed families, for an initial term commencing at the Hotel's check-in time of 3:00 P.M. on September 13, 2021 and continuing through the Hotel's check-out time of 12:00 P.M. on October 1, 2021 (the "Initial Term"), with the County having the sole option to extend the term of the agreement for up to thirteen (13) additional weeks on the same terms as the Initial Term (the "Option Terms").

Under the proposed Agreement, the County will lease, a.) twenty (20) guest rooms for the period from the Hotel's check-in time of 3:00 P.M. on September 13, 2021 through the Hotel's check-out time of 12:00 P.M. on October 1, 2021, and b.) twenty (20) guest rooms for the period from the Hotel's check-in time of 3:00 P.M. on September 16, 2021 through the Hotel's check-out time of 12:00 P.M. on October 1, 2021. For each of the one (1) week Option Terms, the County would lease forty (40) guest rooms.

Under the proposed Agreement, the County would pay Sonesta a total amount not-to-exceed \$100,320.00 during the Initial Term, consisting of a nightly rate of \$142.00 for each guest room, plus \$10.00 per night per guest room for parking, if parking is needed. Under the proposed Agreement, the conference room will be provided to the County at no additional cost. The above-mentioned nightly rate for the guest rooms and parking would continue to apply, and the conference room would continue to be provided at no additional cost, during each of the Option Terms.

The proposed Agreement will serve a public purpose by providing housing for families displaced due to Tropical Storm Ida.

The goal and objective of the proposed Agreement is to provide housing for families displaced due to Tropical Storm Ida.

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 families displaced due to Tropical Storm Ida will help ensure that such persons have safe housing.

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(c)(3), which allows for non-competitive procurement when “[t]he public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation”, based on the emergency that currently exists with regard to the aftermath of Tropical Storm Ida and the related urgent need for housing for families displaced due to the effects of the storm.

To the extent that it is applicable, the County has complied with 2 CFR 200.318(d) in that the County 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.” To the extent that it is applicable, the County has complied with this provision in that the County has determined that, based upon the pertinent factors, the rental costs are reasonable.

I respectfully recommend the adoption of the attached resolution.

LGT/BG/bdm/nn

APPROVED BOARD OF ACQUISITION & CONTRACT - 09/16/2021 - JOAN COCCIARDI, SECRETARY

RESOLUTION

Upon a communication from the Commissioner of the Department of Social Services, be it hereby:

RESOLVED, that the County of Westchester (the "County") is hereby authorized to enter into a lease agreement (the "Agreement") with Sonesta International Hotels Corporation ("Sonesta"), pursuant to which Sonesta will lease to the County guest rooms and a conference room, as specified below, at the hotel known as the Sonesta White Plains Downtown, located at 66 Hale Avenue in White Plains, (the "Hotel") which will be used to temporarily house families displaced due to Tropical Storm Ida, and provide space to serve meals to, and hold meetings for, the housed families, for an initial term commencing at the Hotel's check-in time of 3:00 P.M. on September 13, 2021 and continuing through the Hotel's check-out time of 12:00 P.M. on October 1, 2021 (the "Initial Term"), with the County having the sole option to extend the term of the agreement for up to thirteen (13) additional weeks on the same terms as the Initial Term (the "Option Terms"); and be it further

RESOLVED, that, under the Agreement, the County will lease, a.) twenty (20) guest rooms for the period from the Hotel's check-in time of 3:00 P.M. on September 13, 2021 through the Hotel's check-out time of 12:00 P.M. on October 1, 2021, and b.) twenty (20) guest rooms for the period from the Hotel's check-in time of 3:00 P.M. on September 16, 2021 through the Hotel's check-out time of 12:00 P.M. on October 1, 2021; and be it further

RESOLVED, that, under the Agreement, for each of the one (1) week Option Terms, the County would lease forty (40) guest rooms; and be it further

RESOLVED, that, under the Agreement, the County will pay Sonesta a total amount not-to-exceed \$100,320.00 during the Initial Term, consisting of a nightly rate of \$142.00 for each guest room, plus \$10.00 per night per guest room for parking, if parking is needed; and be it further

RESOLVED, that, under the Agreement, the conference room will be provided to the County at no additional cost; and be it further

RESOLVED, that, under the Agreement, the above-mentioned nightly rate for the guest rooms and parking would continue to apply, and the conference room would continue to be provided at no additional cost, during each of the Option Terms; 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.

Account to be
Charged/Credited

Fund	Dept	Unit	Object/ Sub Object	Trust Account	Activity	Dollars
101	22	8900	5998			\$100,320.00

Budget Funding Year(s): 2021 Start Date: 09/13/21 End Date: 10/01/21
(must match resolution)

Funding Source	Tax Dollars:	25%
	State Aid:	0%
<u>\$100,320.00</u>	Federal Aid:	75%
(must match resolution)	Other:	N/A

APPROVED BOARD OF ACQUISITION & CONTRACT - 09/16/2021 - JOAN COCCIARDI, SECRETARY