



George Latimer
County Executive

Department of Social Services

Leonard G. Townes
Commissioner

89912

DATE: December 29, 2021

TO: Board of Acquisition and Contract

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

Christopher D. Steers
Director of Countywide Administrative Services and Real Estate

SUBJECT: Authority for the County of Westchester to enter into a lease agreement with Rajvi Management, LLC, pursuant to which it will lease to the County guest rooms at the hotel known as the Ardsley Acres Hotel Court, which will be used for the purpose of general isolation housing related to COVID-19.

Authority is respectfully requested from your Honorable Board for the County of Westchester (the "County") to enter into a lease agreement (the "Agreement") with Rajvi Management, LLC ("Ardsley Acres"), pursuant to which Ardsley Acres will lease to the County twenty (20) guest rooms at the hotel known as the Ardsley Acres Hotel Court, located at 560 Saw Mill River Road in Ardsley, (the "Hotel") which will be used for the purpose of general isolation housing related to COVID-19, at a rate of \$109.95 per room per night, with no additional cost for parking, for an initial term commencing at the Hotel's check-in time on January 6, 2022 and continuing through the Hotel's check-out time on March 31, 2022 (the "Initial Term"), with the County having the sole option to extend the term of the agreement for up to three (3) additional months on the same terms as the Initial Term.

The proposed Agreement will serve a public purpose by providing the County with access to housing for COVID-19-related isolation purposes, which is intended to help the ill and prevent others from becoming ill.

The goal and objective of the proposed Agreement is to provide the County with access to housing for COVID-19-related isolation purposes, which is intended to help the ill and prevent others from becoming ill.

The goal and objective of the proposed Agreement is in the best interests of the County in terms of health and safety, as providing the County with access to housing for COVID-19-related isolation purposes, which is intended to help the ill and prevent others from becoming ill, will ensure that such persons have safe housing while any possible illness issues are resolved.

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 the regulation 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 COVID-19 and the related urgent need for housing that can be used for isolation purposes.

To the extent that the regulation 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 the regulation 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.

CDS/LGT/bdm/nn

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 Rajvi Management, LLC ("Ardsley Acres"), pursuant to which Ardsley Acres will lease to the County twenty (20) guest rooms at the hotel known as the Ardsley Acres Hotel Court, located at 560 Saw Mill River Road in Ardsley, (the "Hotel") which will be used for the purpose of general isolation housing related to COVID-19, at a rate of \$109.95 per room per night, with no additional cost for parking, for an initial term commencing at the Hotel's check-in time on January 6, 2022 and continuing through the Hotel's check-out time on March 31, 2022 (the "Initial Term"), with the County having the sole option to extend the term of the agreement for up to three (3) additional months on the same terms as the Initial Term; 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			\$184,716

Budget Funding Year(s): 2022
(must match resolution)

Start Date: 01/06/22

End Date: 03/31/22

Funding Source

\$184,716.00
(must match resolution)

Tax Dollars: 71%
State Aid: 29%
Federal Aid: N/A
Other: N/A

APPROVED BOARD OF ACQUISITION & CONTRACT - 01/06/2022 - RAYMOND SCULKY, SECRETARY