

**110281**

DATE: January 10, 2025

TO: Board of Acquisition and Contract

FROM: Blanca P. Lopez, M.S.  
Commissioner of Planning

SUBJECT: Resolution authorizing a Second Amendment to an Agreement between the County of Westchester and the Village of Rye Brook for the replacement of the existing HVAC system at the Village's senior center in order to change the expiration date from February 28, 2025 to December 31, 2025.

By resolution approved on March 7, 2024, your Honorable Board authorized the County of Westchester (the "County") and the Village of Rye Brook (the "Village") to enter into an agreement pursuant to which the Village agreed to remove and replace all existing HVAC equipment from the Village's senior center (the "Project") for a term commencing on March 1, 2024 and continuing through February 28, 2025. In consideration for services rendered in connection with the Project, the County agreed to pay the Village an amount not-to-exceed \$50,000.00 in Community Development Block Grant funding, pursuant to an approved budget (the "Agreement"). The Agreement was subsequently executed.

Thereafter, by resolution approved on July 18, 2024, the County and Village entered into a first amendment to the Agreement in order to increase the dollar amount thereunder from \$50,000.00 to \$124,500.00, an increase of \$74,500.00, as additional funds are needed by the Village in order to complete the Project (the "First Amendment"). The First Amendment was subsequently executed.

The parties now desire to further amend the Agreement in order to change the expiration date thereunder from February 28, 2025 to December 31, 2025 (the "Second Amendment"). The additional time is needed to complete the Project. Except as specifically provided hereby, all remaining terms and conditions of the Agreement shall remain in full force and effect.

The goal and objective of the Project is to ensure the public health and safety to the senior residents who visit the center by replacing the outdated HVAC system. The

Project will be monitored by the Village's Public Works Department and the staff from the Westchester County Department of Planning will make site visits to ensure all contractual requirements are met.

This procurement of the Second Amendment is exempt from the County Procurement Policy and Procedures pursuant to Section 3(a)xvi thereof, which exempts contracts with recipients for disbursement of grants or loans under the Community Development Block Grant Program. The procurement is also exempt from the Federal Procurement regulations for the same reason.

Act # 33-2021, adopted March 8, 2021, by the Westchester County Board of Legislators, authorized the County to submit an Urban County Application under the Federal Community Development Block Grant, Emergency Solutions Grant, and HOME Investment Programs, amending the FY 2019-2023 Consolidated Plan to include the FY 2021 Action Plan.

On May 20, 2021, the Board of Acquisition and Contract approved a resolution authorizing the County of Westchester to enter into an agreement with the United States Department of Housing and Urban Development (HUD) to accept a grant totaling \$4,267,448 in Community Development Block Grant (CDBG) funds.

Act # 56-2023, adopted May 4, 2023, by the Westchester County Board of Legislators, authorizes the County to submit an Urban County Application under the Federal Community Development Block Grant, Emergency Solutions Grant, and HOME Investment Programs, amending the FY 2019-2023 Consolidated Plan to include the FY 2023 Action Plan.

On May 4, 2023, the Board of Acquisition and Contract approved a resolution authorizing the County of Westchester to enter into an agreement with the United States Department of Housing and Urban Development (HUD) to accept a grant totaling \$4,239,544.00 in Community Development Block Grant (CDBG) funds.

I recommend approval of this second amendment.

BL/je/am  
Attachment

# RESOLUTION

UPON A COMMUNICATION FROM THE COMMISSIONER OF PLANNING, BE IT HEREBY

RESOLVED: that the County of Westchester is authorized to further amend an Agreement with the Village of Rye Brook (the "Village"), as amended by a First Amendment thereto, pursuant to which the Village agreed to remove and replace all existing HVAC equipment from the Village's senior center, for a term commencing on March 1, 2024 and continuing through February 28, 2025, for an amount not-to-exceed \$124,500.00, in order to change the expiration date thereunder from February 28, 2025 to December 31, 2025 (the "Agreement"); and be it further

RESOLVED: that except as specifically amended hereby, all remaining terms and conditions of the Agreement shall remain in full force and effect; and be it further

RESOLVED: that the County Executive or his duly authorized designee is authorized to execute any documents and take any actions necessary to effectuate purposes hereof.

Original Agreement	\$ 50,000.00
First Amendment	\$ 74,500.00
Second Amendment	<u>\$ 0.00</u>
	\$124,500.00

AGREEMENT NUMBER: C-67-23-U62

Account to be Charged/Credited

		Major Program, Program & Phase	Object/ Sub Object	Trust Account	Dollars
Fund	Dept	Or Unit			
263	19	067Y	4380	T067	\$0.00
<del>263</del>	19	067W	4380	T067	\$0.00

Budget Funding Year(s) FY 2021 Start Date March 1, 2024 End Date December 31, 2025  
 (must match resolution)

Funding Source Tax Dollars \_\_\_\_\_

State Aid \_\_\_\_\_

**\$0.00** Federal Aid \$0.00 – U.S. Department of Housing and Urban Development

(must match resolution)

Other \_\_\_\_\_