

**93054**

Date: May 3, 2022

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 and operate a temporary emergency facility for purposes related to responding to the COVID-19 public health disaster emergency in order to extend the term of the agreement through January 31, 2023, with the option to renew through May 31, 2023, upon fifteen (15) days' prior written notice, and mutual agreement of the Parties, for the purposes of the State dismantling its Emergency use and restoring the Premises as per the terms of the Permit Agreement.

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Your Honorable Board by a resolution approved on May 21, 2020 (the "May 21<sup>st</sup> Resolution") authorized the County of Westchester (the "County"), acting by and through its Department of Parks Recreation and Conservation, to enter into a permit agreement with the State of New York, acting by and through the Commissioner of General Services (the "State"), 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.

Subsequent to the approval of the May 21<sup>st</sup> 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, as amended, 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, as amended, 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, as amended, 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.

By a resolution approved on February 18, 2021, your Honorable Board authorized the County 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 approved the Westchester County Health Care Corporation as a subcontractor to administer the COVID-19 vaccine at the premises (the "Fifth Amendment"). The Fifth Amendment was executed on February 20, 2021.

By a resolution approved on March 18, 2021, your Honorable Board authorized the County to extend the term of the Permit Agreement, as amended, from March 31, 2021 to September 30, 2021, with the option to renew through March 31, 2022, upon 15 days' prior written notice and mutual agreement of the Parties (the "Sixth Amendment"). The Sixth Amendment was executed on March 23, 2021.

By a resolution approved on September 16, 2021, your Honorable Board authorized the County to extend the term of the Permit Agreement, as amended, from September 30, 2021 to November 30, 2021, with the option to renew through May 31, 2022, upon 15 days' prior written notice and mutual agreement of the Parties (the "Seventh Amendment"). The Seventh Amendment was executed on September 22, 2021.

By a resolution approved on November 24, 2021, your Honorable Board authorized the County to extend the term of the Permit Agreement, as amended, from November 30, 2021 through May 31, 2022.

The State has discontinued using the Premises for the Emergency Use and has requested an extension of the Permit Agreement to January 31, 2023 with the option to renew through May 31, 2023, upon fifteen (15) days prior written notice, and mutual agreement of the Parties for the purpose of dismantling its Emergency use and restoring the Premises as per the terms of the Permit Agreement. The County is amendable to the State's request.

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, acting by and through the Commissioner of General Services (the "State"), dated March 31, 2020, to construct a temporary emergency facility for purposes related to responding to the COVID-19 public health disaster emergency, 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, the Fourth Amendment to the permit agreement, dated December 30, 2020, the Fifth Amendment to the permit agreement, dated February 20 2021, the Sixth Amendment to the permit agreement, dated March 23, 2021, the Seventh Amendment to the Permit Agreement, dated September 22, 2021, and the Eight Amendment to the Permit Agreement (collectively, the "Permit Agreement"), to (1) acknowledge that the State has discontinued using the Premises for the Emergency Use and has started dismantling its Emergency Use and restoring the Premises as set forth in the Permit and (2) extend the term of the Permit Agreement through January 31, 2023, with the option to renew through May 31, 2023, upon fifteen (15) days' prior written notice, and mutual agreement of the Parties, for the purposes of the State dismantling its Emergency use and restoring the Premises as per the terms of the Permit Agreement; 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):  
(must match resolution)

Start Date: upon execution End Date: \_\_\_\_\_

Funding Source

\$ \_\_\_\_\_  
(must match resolution)

Tax Dollars \_\_\_\_\_  
State Aid \_\_\_\_\_  
Federal Aid \_\_\_\_\_  
Other \_\_\_\_\_