

## **Resolution to Extend the Term of an Agreement**

A regular meeting of the Nassau County Industrial Development Agency (the “Agency”) was convened in public session, electronically, pursuant to Executive Order No. 202.11 - Continuing Temporary Suspension And Modification Of Laws Relating To The Disaster Emergency - by Governor Andrew M. Cuomo of the State of New York on September 17, 2020, at 6:45 p.m., local time.

The meeting was called to order by the Chairman and, upon roll being called, the following members of the Agency were:

### **PRESENT:**

Richard M. Kessel	Chair
Lewis M. Warren	Vice Chair
Timothy Williams	Secretary
Chris Fusco	Assistant Secretary
Amy Flores	Treasurer
John Coumatos	Assistant Treasurer

### **ABSENT:**

Anthony Simon	2 <sup>nd</sup> Vice Chair
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### **THE FOLLOWING PERSONS WERE ALSO PRESENT:**

Harry Coghlan	Chief Executive Officer / Executive Director
Danielle Oglesby	Chief Operating Officer/ Deputy Executive Director
Anne LaMorte	Chief Financial Officer
Catherine Fee	Director of Business Development/Chief Marketing Officer
Colleen Pereira	Administrative Director
Carlene Wynter	Compliance Assistant
Nicole Gil	Administrative Assistant
Thomas D. Glascock, Esq.	General Counsel
Andrew D. Komaromi, Esq.	Bond/Transactional Counsel

The attached resolution no. 2020-83 was offered by Timothy Williams, seconded by Amy Flores:

Resolution No. 2020-83

RESOLUTION OF THE NASSAU COUNTY INDUSTRIAL DEVELOPMENT AGENCY (“THE AGENCY”) TO EXTEND THE TERM OF THE AGREEMENT MADE WITH SJC COMPUTING LLC FOR INFORMATION TECHNOLOGY, DESIGN, HOSTING AND MAINTENANCE SERVICES

WHEREAS, the Nassau County Industrial Development Agency (the “Agency”) is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title I of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the “Enabling Act”), and Chapter 674 of the 1975 Laws of New York, as amended, constituting Section 922 of said general Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the “Act”) to, inter alia, promote the economic welfare, recreation opportunities and prosperity of the inhabitants of New York State and actively promote, develop, encourage and assist in the promotion, attraction and development of economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York; improve their economic welfare, recreation opportunities, prosperity and standard of living, and prevent unemployment and economic deterioration; and promote the development of facilities to provide recreation for the citizens of New York State and to attract tourists from other states; and

WHEREAS, the Agency may from time to time require the services of firms to provide information technology services, as requested by the Agency; and

WHEREAS, the Agency therefore issued a request for statement of qualifications to provide certain information technology, design, hosting and maintenance services (the “RFQ”), seeking statements of qualifications from interested firms; and

WHEREAS, the Agency received statements of qualifications from one or more firms, expressing interest in providing the services contemplated by the RFQ (collectively, the “Services”); and

WHEREAS, in accordance with its Charter, the Finance Committee of the Agency reviewed the received statements of qualifications, determined that interviews of the respondent firms would not be necessary or desirable, found that said firms meet the minimum requirements set forth in the RFQ and are qualified to provide the Services, and recommended that the Agency establish an approved list of firms to provide the Services;

WHEREAS, the Agency thereafter established a list of approved firms to provide the Services, and pursuant to said list by agreement dated August 1, 2018, the Agency engaged SJC Computing LLC to provide Services for the term of one (1) year, from August 1, 2018 until July 31, 2019 (the SJC Computing Agreement”); and

WHEREAS, given the expired term of the SJC Computing Agreement, the Agency issued a request for statement of qualifications to provide Services (the “RFQ”), seeking statements of qualifications from interested firms, and the Agency received statements of qualifications from one or more firms, expressing interest in providing the Services; and

WHEREAS, given SJC Computing LLC's past performance and to prevent an interruption in the Agency's receipt of Services, pursuant to resolution no. 2019-107, the Agency extended the term of the SJC Computing Agreement until December 31, 2019; and

WHEREAS, the Agency now wishes to extend the term of the SJC Computing Agreement until December 31, 2020.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NASSAU COUNTY INDUSTRIAL DEVELOPMENT AGENCY, AS FOLLOWS:

Section 1. The Agency is hereby authorized to extend until December 31, 2020, the term of the agreement dated August 1, 2018, made with SJC Computing LLC for the procurement of certain information technology, design, hosting and maintenance services, to prevent an interruption in the Agency's receipt of said services while its assesses its present and ongoing need for the services.

Section 2. The Agency hereby determines that the proposed action is a Type II Action pursuant to Article 8 of the New York Environmental Conservation Law (including the regulations thereunder, "SEQRA") involving "continuing agency administration" which does not involve "new programs or major reordering of priorities that may affect the environment" (6 NYCRR Section 6.17.5 (c)(26)), and therefore no findings or determination of significance are required under SEQRA.

Section 3. The Chief Executive Officer / Executive Director is hereby authorized and directed in his sole discretion, to negotiate and enter into an amendment of the aforementioned agreement made with SJC Computing LLC to extend its terms as provided above, together with such changes to the terms and conditions thereof as the Chief Executive Officer / Executive Director may deem advisable or necessary, subject to the terms of this Resolution. The Chief Executive Officer / Executive Director's execution of the Agreement shall evidence the Agency's approval of the terms thereof.

Section 4. This Resolution shall take effect immediately.

Adopted: September 17, 2020

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Richard Kessel	VOTING	Aye
Lewis M. Warren	VOTING	Aye
Anthony Simon	VOTING	Absent
Timothy Williams	VOTING	Aye
Chris Fusco	VOTING	Aye
Amy Flores	VOTING	Aye
John Coumato	VOTING	Aye

The foregoing Resolution was thereupon declared duly adopted.

STATE OF NEW YORK

) SS.:

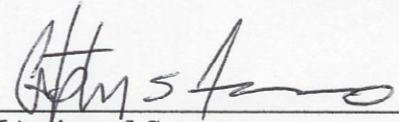
COUNTY OF NASSAU

We, the undersigned [Vice] Chairman and [Assistant] Secretary of the Nassau County Industrial Development Agency (the "Agency"), do hereby certify that we have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on September 17, 2020 with the original thereof on file in our office, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

WE FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 5 of the Public Officers Law (the "Open Meetings Law") as modified pursuant to Executive Order No. 202.11, 202.28, 202.48, 202.55 and 202.60 - Continuing Temporary Suspension And Modification Of Laws Relating To The Disaster Emergency - by Governor Andrew M. Cuomo of the State of New York, said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present throughout said meeting.

WE FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, we have hereunto set our respective hands and affixed the seal of the Agency this 17th day of September, 2020.

  
[Assistant] Secretary

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[Vice] Chairman

(SEAL)

STATE OF NEW YORK

) SS.:

COUNTY OF NASSAU

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[Assistant] Secretary



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[Vice] Chairman

(SEAL)