



Robert P. Astorino
County Executive

Department of Social Services

Grant E. Mitchell, M.D.
Acting Commissioner

13472

Date: August 4, 2010

To: Honorable Members of the Board of Acquisition and Contract

From: Grant E. Mitchell, M.D., Acting Commissioner
Department of Social Services

Re: Authority to exempt from the Westchester County Procurement Policy and Procedures, pursuant to Section 3(a)(xxi) thereof, an agreement with the Westchester Coalition for the Hungry and Homeless, Inc. for the provision of homelessness prevention, eviction intervention assistance and other related mediation services between tenants and landlords at the White Plains and Peekskill District Offices of the Department of Social Services, for the period July 1, 2010 through June 30, 2011, for an amount not-to-exceed \$120,000

Authority is hereby requested from your Honorable Board to exempt from the Westchester County Procurement Policy an agreement between the County of Westchester (the "County") and the Westchester Coalition for the Hungry and Homeless, Inc. ("WCHH") for the provision of homelessness prevention, eviction intervention assistance and other related mediation services between tenants and landlords at the White Plains and Peekskill District Offices of the Department of Social Services (the "Work"), for the period July 1, 2010 through June 30, 2011, for an amount not-to-exceed \$120,000, to be paid monthly pursuant to an approved budget and subject to appropriation.

A Request for Proposals ("RFP") for the Work, among other services, was issued by the Department of Social Services (the "Department") on March 26, 2010. The Department received a total of eleven responses to the RFP by the April 16, 2010 proposal due date. An evaluation committee was formed to review the proposals submitted in response to the RFP. Based on the evaluation committee's findings, the Department notified WCHH that it would be receiving a

contract for the Work. However, the notification given by the Department to WCHH should never have been sent, as it was based upon an error.

The Department had prepared the RFP with the intention that each proposer's proposal would contain a proposal for each individual district office. Thus, the Department could rank each proposer's proposal for a given district office against the other contractors' proposals for that district office. Based on that ranking, the Department could award individual contracts for the services for each district office. Instead, the Department evaluated each proposer's proposal in its entirety and ranked the proposers' entire proposals against each other.

The Department's mistaken cumulative evaluation led to CLUSTER, Inc. being the first-ranked proposer and WCHH being the next-ranked proposer. As a consequence, the Department notified CLUSTER, Inc. that it would receive a contract for two district offices (Yonkers and Mt. Vernon) and notified WCHH that it would receive a contract for the other two district offices (White Plains and Peekskill). However, sending these notifications in this fashion was the aforementioned error by the Department. The Department misunderstood its ability, both under the RFP and the Westchester County Procurement Policy and Procedures, to have contracts for different district offices be awarded to different proposers in this fashion.

Nevertheless, WCHH was not subsequently notified of the Department's error for some time. In that interim period, WCHH expended funds in preparation for performing the Work for the County, relying upon the aforementioned notification given to it by the Department.

Therefore, the Department's error has significantly prejudiced WCHH, through no fault of WCHH. Notably, no contractor has offered a better price for the Work than the price currently proposed by WCHH, and WCHH's proposal was found by the Department to be satisfactory. Accordingly, given the totality of the present circumstances, and the optimal price for which WCHH is offering to perform the Work, it is proposed that the best interests of the County would be served by exempting this agreement from the Westchester County Procurement Policy and Procedures, pursuant to Section 3(a)(xxi) thereof. Therefore, a resolution to exempt this procurement is hereby submitted for your consideration.

I recommend approval of the annexed proposed Resolution.

GEM/bdm/nn

RESOLUTION

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

RESOLVED, that pursuant to Section 3(a)xxi of the Westchester County Procurement Policy and Procedures, it is hereby determined that application of the procedural requirements contained therein, including the necessity of soliciting proposals, is neither cost effective nor expedient, and accordingly, not in the best interests of the County in connection with the procurement of an agreement with the Westchester Coalition for the Hungry and Homeless, Inc. for the provision of homelessness prevention, eviction intervention assistance and other related mediation services between tenants and landlords at the White Plains and Peekskill District Offices of the Department of Social Services.

APPROVED BOARD OF ACQUISITION & CONTRACT - 9-10-2010 - JOMAR VIEIRA, SECRETARY