

14908

TO: Board of Acquisition and Contract

FROM: Timothy C. Idoni
Westchester County Clerk

DATE: October 21, 2010

RE: Authorization for the County of Westchester, acting by and through the Westchester County Clerk's Office, to enter into an agreement with the New York State Industries for the Disabled ("NYSID") for document preparation services on an "as needed" basis at the Westchester County Clerk's Office for the three (3) year period January 1, 2011 to December 31, 2013, for a total amount not to exceed \$47,190.00, subject to appropriations; to approve Westchester ARC as a subcontractor; and to exempt NYSID from the County's Performance and Payment Bond requirement

Authorization is hereby requested for the County of Westchester (the "County"), acting by and through the Westchester County Clerk's Office (the "Clerk's Office") to enter into an agreement with the New York State Industries for the Disabled ("NYSID") for document preparation services on an "as needed" basis at the Clerk's Office for the three (3) year period January 1, 2011 to December 31, 2013, for a total amount not to exceed \$47,190.00, subject to appropriations; to approve Westchester ARC as a subcontractor; and to exempt NYSID from the County's Performance and Payment Bond requirement. Said services shall include, but not be limited to, sorting, counting, labeling and stapling of various documents and the delivery of mail to appropriate departments, and the rate to be paid is as follows: Years 1 and 2: \$10.00 per hour; Year 3: \$10.25 per hour.

The State of New York enacted legislation (New York State Finance Law § 162) which not only exempts the procurement of certain products and services from competitive procurement provisions, but also requires the County to give designated preferred sources an opportunity to provide these commodities or services. The exemption applies to the provision of document preparation services and NYSID is a preferred source.

NYSID is a non-profit organization established in 1976 by the New York State Commissioner of Education to act as the central coordinator for member organizations, which serve people with disabilities by making those organizations eligible for State contracts as preferred providers. As of today, approximately one hundred twenty five (125) organizations are certified for NYSID membership, and Westchester ARC, 265 Saw Mill River Road, Hawthorne, New York 10532, is such a member agency.

In accordance with, and pursuant to the provisions contained in State Finance Law § 162, the County notified NYSID describing the requirements of this contract, and NYSID submitted a notice of intent within the requisite ten (10) days to provide the services. In accordance with State Finance Law § 162, the County has reviewed the information provided by NYSID and has determined that the services are available in the “form, function and utility” required by the County.

Pursuant to State Finance Law § 162, the Commissioner of the New York State Office of General Services (“OGS”) sets the fair market price for services and determines whether a proposed price is within fifteen percent (15%) of the fair market price. The County must utilize that preferred provider as long as the price for the services does not exceed fifteen percent (15%) of the fair market price for such services as determined by OGS. However, under NYS OGS policy, in situations where the total amount of the agreement is less than \$50,000, as in the present case, the County must make the determination whether the proposed price is reasonable. The County Clerk has determined that the fee to be under this contract is reasonable based on the applicable Prevailing Wage Schedule as set by the New York State Commissioner of Labor and taking into account the provisions of the Westchester County Living Wage Law.

NYSID will perform the document preparation services by utilizing Westchester ARC, as a subcontractor. The utilization of Westchester ARC and the population it serves, individuals with disabilities, as a subcontractor on this contract, is precisely the arrangement that was envisioned when NYSID was set up and the preferred source procurement was adopted.

NYSID has provided services to the County for a number of years and currently has other contracts with the County. Accordingly, authority is requested to eliminate the requirement that NYSID provide a Performance and Payment Bond.

This contract is in the public’s best interest because it will maintain operational efficiencies while reducing costs in the Office of the Westchester County Clerk. The Clerk’s Office will track the agreement’s progress by monitoring daily work assignments and tracking hours worked on a weekly basis.

If this resolution is not approved, the County will be in violation of State Finance Law § 162 which requires the County to utilize a designated preferred source to provide these services. Accordingly, authorization to award the contract for document preparation services to NYSID is requested. I recommend approval of the attached resolution.

TCI/JPI
Attachment

RESOLUTION

Upon a communication from Timothy C. Itoni, Westchester County Clerk, be it hereby

RESOLVED, that the County of Westchester (the "County"), acting by and through the Westchester County Clerk's Office (the "Clerk's Office") is hereby authorized to enter into an agreement with the New York State Industries for the Disabled ("NYSID") for document preparation services on an "as needed" basis at the County Clerk's Office for the three (3) year period January 1, 2011 to December 31, 2013, for a total amount not to exceed \$47,190.00; and be it further

RESOLVED, that Westchester ARC, 265 Saw Mill River Road, Hawthorne, New York 10532, is approved as a subcontractor; and be it further

RESOLVED, that a Performance and Payment Bond will not be required based on NYSID's preferred source status and that NYSID has provided services to the County for a number of years and currently has other contracts with the County; and be it further

RESOLVED, that this Agreement is subject to County appropriations; and be it further

RESOLVED, that this 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 this 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 this 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 this Agreement upon reasonable prior written notice; and be it further

RESOLVED, that the County Clerk or his authorized designee be and hereby is authorized and empowered to execute any and all documents necessary and appropriate to effectuate the purposes hereof.

Account to be Charged/Credited

Budget Funding Year(s):
2011

Start Date: 1/1/11

End Date: 12/31/13

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Unit	Trust Account	Dollars	Year
101	21	0300	4420		\$15,600	2011
101	21	0300	4420		\$15,600	2012
101	21	0300	4420		\$15,990	2013

(must match resolution)

Funding Source
\$47,190

(must match resolution)

Tax Dollars \$47,190

State Aid _____ 0 _____

Federal Aid _____ 0 _____

Other _____ 0 _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 11-23-2010 - JOMARY VIEIRA, SECRETARY

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