

20633

TO: Board of Acquisition and Contract

FROM: John J. Hsu, P.E.
Commissioner of Public Works and Transportation

DATE: July 26, 2011

RE: Authorization for the County of Westchester to enter into Contract No. 11-215 with the New York State Industries for the Disabled ("NYSID") for Janitorial Services at 85 Court Street and 143 Grand Street, White Plains, New York, for the three (3) year period from September 1, 2011 to August 31, 2014, for an amount not to exceed \$370,173.51, subject to appropriations; to approve Jawonio, Inc. as a subcontractor; and to exempt NYSID from the Performance and Payment Bond requirement.

Authorization is requested for the County of Westchester to enter into a contract with the New York State Industries for the Disabled ("NYSID") for Janitorial Services at 85 Court Street and 143 Grand Street, White Plains, New York, for the three (3) year period from September 1, 2011 to August 31, 2014, for an amount not to exceed \$370,173.51, subject to appropriations; to approve Jawonio, Inc. as a subcontractor, and to exempt NYSID from the Performance and Payment Bond requirement.

The State of New York enacted legislation (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 janitorial 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 Jawonio, Inc., 260 North Little Tor Road, New City, New York 10956, 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. The County has reviewed the information provided by NYSID and 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 the OGS. Pursuant to State Finance Law § 162, OGS has approved the price herein and has determined that the fee to be paid 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.

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NYSID will perform the janitorial services by utilizing Jawonio, Inc., as a subcontractor. The utilization of Jawonio, Inc. 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 enhance the upkeep, maintenance and cleanliness of the facilities and promote the health, safety and general welfare of employees and the general public, thus addressing the County Executive’s priority areas of Health and the Environment (HE) and Safety and Security (SS).

This contract will provide an environmental benefit through the utilization of “Green” cleaning products in accordance with Executive Order 2-2006.

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.

This department will submit expense records/vouchers for reimbursement through the County’s Advantage Financial System to track the expense reimbursements for this contract.

Accordingly, authorization to award the contract for janitorial services to NYSID is requested. I recommend approval of the attached resolution.

JJH/JV/nj
Attachment

RESOLUTION

Upon a communication from the Commissioner of Public Works and Transportation, be it hereby

RESOLVED, that the County of Westchester is authorized to enter into Contract No. 11-215 with the New York State Industries for the Disabled (“NYSID”) for Janitorial Services at 85 Court Street and 143 Grand Street, White Plains, New York, for the three (3) year period from September 1, 2011 to August 31, 2014, for an amount not to exceed \$370,173.51, subject to appropriations; and be it further

RESOLVED, that Jawonio, Inc., 260 North Little Tor Road, New City, New York 10956, 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 Executive 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.

Contract No. 11-215

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	101	46	3200	4380-20		\$ 39,463.72 (2011)
	101	46	3200	4380-20		\$123,391.17 (2012)
	101	46	3200	4380-20		\$123,391.17 (2013)
	101	46	3200	4380-20		\$ 83,927.45 (2014)

Budget Funding Year(s) 2011-2014 Start Date 09/01/11 End Date 08/31/14
(must match resolution)

Funding Source: Tax Dollars 100% County Contractor Federal I.D. No./ Social Security No.: _____
State Aid _____
\$370,173.51 Federal Aid _____ Vendor No.: _____
(must match resolution) Other _____ Encumbrance No.: _____

APPROVED BOARD OF ACQUISITION & CONTRACT 08/11/2011 JOMARY VENTURA SECRETARY