

23284

December 2, 2011

TO: Board of Acquisition and Contract

FROM: Evan Latainer
Director, Office for the Disabled

RE: **Resolution exempting from the Westchester County Procurement Policy an agreement between Westchester County and Lenore Pemberton, for the provision of sign language interpretation services for the period January 1, 2011 through December 31, 2011 for an amount not to exceed \$37,500.00**

On January 1, 2011 the County, acting by and through its Office for the Disabled (hereafter the "Department") entered into an agreement with Lenore Pemberton pursuant to which Lenore Pemberton agreed to provide sign language interpretation services for the period from January 1, 2011 through December 31, 2011 in an amount not to exceed \$20,000 (the "Agreement"). By separate resolution, authority is now sought to amend the Agreement by increasing the not-to-exceed amount by \$17,500 to a new total amount not to exceed \$37,500.00.

Now, authority is hereby requested from your Honorable Board for Westchester County to exempt the Agreement from the Westchester County Procurement Policy.

Pursuant to Section 3(a)xxi, the Westchester County Procurement Policy and Procedures are not applicable to any procurement for which this Honorable Board determines, by resolution passed prior to commencing such procurement, that compliance with the policy would not be in the best interests of the County. The Westchester County Office for the Disabled hereby seeks to exempt the Agreement from the Procurement Policy.

Furthermore, price competition does not exist, as the current rate of \$55.00 per hour paid to all sign language interpreters who hold a contract with the county is below the standard market rate compared to other institutions throughout the county ranging from \$60.00 to \$125.00 per hour as follows: Mercy College pays as low as \$60.00 per hour and up depending on the level of the interpreter's skill set, Pace University pays \$125.00 per hour and up, Monroe College pays \$65.00 per hour and up. The Office for the Disabled advertises the opportunity to become a sign language interpreter on its website.

Westchester County Office for the Disabled offers all sign language interpreters the opportunity to obtain a county contract for sign language interpreter services as stated on the webpage for Office for the Disabled advertising this opportunity.

Accordingly, I recommend and urge your Honorable Board's approval of the annexed Resolution.

Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/22/2011 - JOMARY VIEIRA, SECRETARY

RESOLUTION

Upon a communication from the Office for the Disabled, 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 Lenore Pemberton pursuant to which Lenore Pemberton provides sign language interpretation services, and be it further

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

RESOLVED, that the 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 the Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Service Provider, then the Service Provider shall have the right to terminate the Agreement upon reasonable prior written notice; and be it further

RESOLVED, that the Chairman of the Westchester County Board of Legislators, or his authorized designee, is hereby authorized to execute any documents and take any actions reasonably necessary and appropriate to effectuate the purposes of this Resolution.