

Robert P. Astorino  
County Executive

Department of Social Services

Kevin M. McGuire  
Commissioner

**27937**

DATE: June 28, 2012

TO: Board of Acquisition and Contract

FROM: Kevin McGuire, Commissioner  
Department of Social Services

SUBJECT: Authority to:

- 1) amend the resolution approved on May 3, 2012 which authorized the County of Westchester to enter into agreements with the City of Rye, the City of White Plains and the City of Mount Vernon, pursuant to which the municipalities would hire temporary workers to assist in recovery efforts from damage caused by Hurricane Irene and Tropical Storm Lee for a period not to exceed one (1) year in the total aggregate amount not to exceed \$277,133 (the "Agreements"), by a) *revising* the scope of work with respect to the City of White Plains and the City of Rye to include supervision of the requested work for which laborers will be provided and materials necessary for the laborers to do the cleanup work only; b) adding the City of New Rochelle and the Village of Scarsdale to the list of municipalities authorized to receive funding under this program for the purpose of offsetting the cost of supervision of labor and to purchase materials and supplies in the amounts of \$27,331 and \$13,832 respectively; and c) increasing the total aggregate not-to-exceed amount under the Agreements by an additional \$41,163 to reflect the additional funding allocated to the City of New Rochelle and the Village of Scarsdale; and
- 2) amend the agreement with the City of Mount Vernon pursuant to which the City would directly hire temporary workers to assist in recovery efforts from damage caused by Hurricane Irene and Tropical Storm Lee for a term commencing March 5, 2012 and continuing through September 30, 2012 in the total amount not to exceed \$261,294, by *expanding* the scope of work to include supervision of the requested work for which laborers will be provided and materials necessary for the laborers to do the cleanup work.

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By resolution approved on May 3, 2012 (the "May 3<sup>rd</sup> Resolution"), your Honorable Board authorized the County of Westchester (the "County"), acting on behalf of the Balance of Westchester/Putnam Local Workforce Investment Area ("WPLWIA"), to enter into agreements with the City of Rye, the City of White Plains and the City of Mount Vernon (the "Municipalities"), pursuant to which the County would allocate to the Municipalities a portion of disaster relief funding received from the New York State Department of Labor ("NYSDOL") to be used by the Municipalities to directly hire and pay the wages of temporary workers to assist in recovery efforts from damage caused by Hurricane Irene and Tropical Storm Lee for a period not to exceed one (1) year from the date of execution in the total aggregate amount not to exceed \$277,133.00, in the individual amounts set forth in Schedule "A" attached to the May 3<sup>rd</sup> Resolution (the "Agreements"). Only the Agreement with the City of Mount Vernon has been executed.

Due to a misunderstanding, the Westchester County Department of Social Services (the "Department") mistakenly believed that the disaster relief funding allocated to the City of Rye and the City of White Plains was to be used exclusively to pay the wages of the temporary workers hired by these municipalities to perform cleanup tasks. However, it was later learned that the temporary workers will not be directly hired or paid for by the City of Rye or the City of White Plains at all. Rather, the workers will be hired by a third party employment agency and paid directly by NYSDOL pursuant to a separate agreement between the employment agency and NYSDOL. The funding allocated under the Agreements will instead be used to offset the cost of supervising the laborers by employees of the City of Rye and the City of White Plains, and to fund the cost of materials and supplies necessary for the laborers to complete the cleanup work only.

In addition, the Department was recently notified by the NYSDOL that both the City of New Rochelle and the Village of Scarsdale have been awarded disaster relief funding under this program as well. Like the contracts with the City of Rye and the City of White Plains, funding under these contracts will be for the limited purpose of offsetting the cost of supervising the laborers hired by the third party employment agency and for costs associated with purchasing materials and supplies necessary for the laborers to complete their tasks, in the amounts of \$27,331.00 and \$13,832.00 respectfully. As with the other contracts, the term of these agreements will not exceed one (1) year in duration.

Accordingly, authority is respectfully requested to amend the May 3<sup>rd</sup> Resolution by 1) *revising* the scope of work with respect to the proposed agreements with the City of White Plains and the City of Rye to include supervision of the requested work for which laborers will be provided and providing materials necessary for the laborers to do the cleanup work only; 2) adding the City of New Rochelle and the Village of Scarsdale to the list of municipalities authorized to receive funding under this program for the purpose of offsetting the cost of supervision of labor and to purchase materials and supplies only, in the amounts of \$27,331 and \$13,832 respectively, for a term not-to-exceed one (1) year; and 3) increasing the total aggregate not-to-exceed amount under the Agreements by an additional \$41,163, from an amount not-to-exceed \$277,133.00, to an amount not-to-exceed \$318,296 to reflect the additional funding allocated to the City of New Rochelle and the Village of Scarsdale.

In addition, on or about May 4<sup>th</sup>, 2012, the County entered into an Agreement with the City of Mount Vernon (the "City") pursuant to which the City agreed to directly hire and pay the wages of temporary workers to perform various cleanup tasks at 15 parks located throughout the City that suffered damage as a result of Hurricane Irene and Tropical Storm Lee for a term commencing on March 5, 2012 and continuing through September 30, 2012 in the total amount not to exceed \$261,294. However, due to a misunderstanding, the Department mistakenly believed that said funding could only be used to fund the cost of directly hiring and paying the wages of the laborers. The Department was recently notified by NYSDOL that said funding could also be used to offset the cost of supervision of the laborers and the cost of materials and supplies as well. Accordingly, authority is also requested to amend the Agreement with the City by *expanding* the scope of work thereunder to include supervision of the requested work for which the laborers will be hired by the City and materials necessary for the laborers to do the cleanup work.

Except as specifically amended hereby, all remaining terms and conditions of the May 3<sup>rd</sup> Resolution shall remain in full force and effect.

Except as specifically amended hereby, all remaining terms and conditions set forth in the Agreement with the City of Mount Vernon shall remain in full force and effect.

I certify that my department, a) has copies of, or access to, all applicable laws, rules, regulations, grant applications, and grant agreements (including any master grant agreement), as well as any guidance or instructions received from the agency making the grant (the "Grant Terms"), b) has reviewed the Grant Terms, c) is aware of and understands all of the Grant Terms, and d) can and will comply with all of the Grant Terms.

Accordingly, your Board's approval of the attached Resolution is most respectfully requested.

KM/JPG/nn

## RESOLUTION

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

**RESOLVED**, that the resolution approved on May 3, 2012 (the "May 3<sup>rd</sup> Resolution") which authorized the County of Westchester (the "County"), acting on behalf of the Balance of Westchester/Putnam Local Workforce Investment Area ("WPLWIA"), to enter into agreements with the City of Rye, the City of White Plains and the City of Mount Vernon (the "Municipalities") pursuant to which the Municipalities would directly hire and pay the wages of temporary workers to assist in recovery efforts from damage caused by Hurricane Irene and Tropical Storm Lee for a term of one (1) year in a total aggregate amount not-to-exceed \$277,133.00 (the "Agreements"), is hereby amended by 1) *revising* the scope of work with respect to the proposed agreements with the City of White Plains and the City of Rye to include supervision of the requested work for which laborers will be provided and materials and supplies necessary for the laborers to do the cleanup work only; 2) adding the City of New Rochelle and the Village of Scarsdale to the list of municipalities authorized by the May 3<sup>rd</sup> Resolution to receive disaster relief funding under this program, in the amounts of \$27,331.00 and \$13,832.00 respectively, to be used to offset costs associated with supervising the work for which the laborers will be provided and for the cost of materials and supplies for a term not-to-exceed one (1) year; and 3) increasing the total aggregate not-to-exceed amount under the Agreements by an additional \$41,163, from an amount not-to-exceed \$277,133.00 to an amount not-to-exceed \$318,296.00 to reflect the additional funding allocated to New Rochelle and Scarsdale; and be it further

**RESOLVED**, that the County, acting on behalf of the WPLWIA, is hereby authorized to amend the Agreement with the City of Mount Vernon (the "City") pursuant to which the City would directly hire and pay the wages of temporary workers to assist in recovery efforts from damage caused by Hurricane Irene and Tropical Storm Lee for a term commencing on March 5, 2012 and continuing through September 30, 2012 in the total aggregate amount not to exceed \$261,294, by *expanding* the scope of work under the Agreement to include supervision of the requested work for which said laborers will be hired by the City and providing materials and supplies necessary for the laborers to do the cleanup work; and be it further

**RESOLVED**, that except as specifically amended hereby, all remaining terms and conditions set forth in the May 3<sup>rd</sup> Resolution shall remain in full force and effect; and be it further

**RESOLVED**, that except as specifically amended hereby, all remaining terms and conditions set forth in the Agreement with the City of Mount Vernon shall remain in full force and effect; and be it further

**RESOLVED**, that the County Executive or his duly authorized designee is empowered to execute all documents and take all actions necessary to effectuate the purposes hereof.

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Amount of the Original Resolution: \$277,133

**This Amendment: \$41,163**

Total \$318,296

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Account to be Charged/credited	Fund	Dept.	Unit	Object/ Sub Object	Trust Account	Activity	Dollars
	275	22	087L	7350	T057A	----	\$41,163

Budget Funding Year(s): N/A  
(must match resolution)

Start Date: N/A

End Date: N/A

Funding Source

Tax Dollars:

State Aid:

\$41,163

(must match resolution)

Federal Aid: 100%

Other:

APPROVED BOARD OF ACQUISITION & CONTRACT - 07/26/2012 - DOMARY VIEIRA, SECRETARY