



Robert P. Astorino
County Executive

Department of Social Services

Kevin M. McGuire
Commissioner

38861

To: Board of Acquisition and Contract

From: Kevin M. McGuire
Commissioner of Social Services

Date: February 25, 2014

Re: **Authority for the County to amend agreements with Westhab, Inc., the Urban League of Westchester County, Inc. and the Yonkers Chamber of Commerce to provide Employment Related Program Services for DSS Temporary Assistance Customers, for the term April 1, 2013 through March 31, 2016 in the total amount not to exceed \$ 14,537,910, in order to revise the liquidated damages provision**

By resolution adopted on March 28, 2013, your Honorable Board authorized the County of Westchester to enter into agreements with Westhab, Inc. in the amount of \$ **4,857,858**, the Urban League of Westchester County, Inc. in the amount of \$**4,779,726** and the Yonkers Chamber of Commerce in the amount of \$**4,900,326** to provide employment related program services for Temporary Assistance recipients including development of an individual employment plan, assessments, job readiness services, short-term vocational, job skills and educational training, referral to supportive services, job search and job placement services, retention services as well as case management for the term April 1, 2013 through March 31, 2016 in the total aggregate amount not to exceed \$ **14,537,910** to be paid pursuant to approved budgets and subject to appropriations (the "Agreements"). Each of the agreements provides case management for all adult Temporary Assistance recipients referred to the program and engages Temporary Assistance recipients in activities that will lead to self sufficiency. The Agreements were executed. Authority is now requested to amend each of the Agreements in order to revise the liquidated damages provision to reflect that the liquidated damages amount will be a percentage of the total budget, rather than a percentage of the quarterly budget. The result of this change will increase the amount of the liquidated damages to be assessed to each of the contractors when after audit by the Department of Social Services ("DSS"), data accuracy is

found to be at a rate of less than 85%. The proposed amendments will take effect as of April 1, 2014.

Effective October 1, 2006, New York State ("NYS") is required to meet a 50% participation rate for all families with dependent children receiving assistance or "cash benefits". NYS is also required to have procedures and internal controls in place to ensure compliance with federal work verification standards. Under federal statutes and regulations, states which fail to meet the required federal participation rate could be subject to a fiscal penalty of 5 percent of the state's adjusted Temporary Assistance for Needy Families ("TANF") grant for the first year, with increased penalties in subsequent years of failure to achieve the federal participation rate, up to a maximum of 21 percent of the state's adjusted TANF grant. The amount of the TANF block grant for NYS is \$2.4 Billion. Local districts that do not meet the participation rate are required under NYS law, to bear the costs in proportion to their rate of failure. The revised liquidated damages provision requested in the proposed amendment, more accurately reflects the losses that the County would suffer if the Contractors violate the federal participation requirements, and will offset any potential penalty for a failing participation rate.

All other terms and conditions of the Agreements shall remain in full force and effect.

A resolution is annexed hereto, which I recommend for your favorable consideration.

KMM/DJ
Attachment

RESOLUTION

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

RESOLVED, that the County of Westchester is hereby authorized to amend agreements with Westhab, Inc. in the amount of **\$4,857,858**; the Urban League of Westchester County, Inc. in the amount of **\$4,779,726**; and the Yonkers Chamber of Commerce in the amount of **\$4,900,326** to provide employment related program services for Temporary Assistance recipients, for the term April 1, 2013 through March 31, 2016 (the "Agreements"), in order to revise the liquidated damages provision in each of the Agreements to reflect that the liquidated damages amount will be a percentage of the total budget, rather than a percentage of the quarterly budget; and be it further

RESOLVED, that the proposed amendments shall take effect as of April 1, 2014; and be it further

RESOLVED, that all other terms and conditions of the Agreements shall remain in full force and effect

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

Original Agreement:	\$14,537,910
This Amendment	0
TOTAL	\$14,537,910

Account to be Charged/credited	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	N/A	N/A	N/A	N/A	N/A	N/A

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

Start Date: N/A___ End Date: N/A

Funding Source

Tax Dollars: N/A

State Aid: N/A

\$N/A

Federal Aid: N/A

(must match resolution)

Other: N/A