

**39987**

TO: Board of Acquisition and Contract

FROM: Robin Schlaff  
Director, Office for Women

DATE: April 28, 2014

SUBJECT: Authority to enter into an agreement with Pace University, pursuant to which Pace University will provide civil legal services for immigrants, for a term commencing April 1, 2014 and continuing through December 31, 2016, for a total amount not-to-exceed \$275,000.

---

Authority is respectfully requested from your Honorable Board for the County of Westchester (the "County") to enter into an agreement with Pace University ("Pace"), pursuant to which Pace will provide civil legal services for immigrants (the "Services"), for a term commencing April 1, 2014 and continuing through December 31, 2016, for a total amount not-to-exceed \$275,000, consisting of an amount not-to-exceed \$75,000 for the calendar year 2014, an amount not-to-exceed \$100,000 for the calendar year 2015, and an amount not-to-exceed \$100,000 for the calendar year 2016, all of which will be paid pursuant to an approved budget (the "Agreement").

Under the proposed Agreement, Pace will be authorized to subcontract a portion of the Services to Westchester Hispanic Coalition, Inc. ("WHC").

On February 12, 2014, the County issued a request for proposals ("RFP") seeking proposals from qualified agencies to provide the Services. In response to the RFP, the County received three (3) proposals. One of these proposals was submitted by WHC, and it proposed to subcontract a portion of the Services to Pace.

The County reviewed these proposals and evaluated them based upon the evaluation criteria specified in the RFP. The result of this review and evaluation was that the proposal from WHC was ranked first. However, the County determined that it would be preferable, based upon the actual division of the Services between WHC and Pace that would occur, to instead contract with Pace for the Services, and authorize Pace to subcontract a portion of the Services to WHC.

Since Pace did not submit its own proposal in response to the RFP, there is no legal mechanism for the County to use the RFP as the basis of its procurement of the proposed Agreement. Therefore, the County is instead procuring the proposed Agreement based upon Section 3(a)(xiv) of the Westchester County Procurement Policy, which exempts from competitive procurement

contracts “with not for profit organizations for the purposes of providing aid, care and support to persons in need of public assistance.”

The proposed Agreement will serve a public purpose by making available to immigrants various civil legal services that they need and might otherwise be unable to obtain.

The goal and objective of the proposed Agreement is to make available to immigrants various civil legal services.

The goal and objective of the proposed Agreement is in the best interests of the County in terms of health, safety, and security, as some of the civil legal services that will be provided may enable victims of domestic violence to separate themselves from dangerous environments. The goal and objective of the proposed Agreement is also in the best interests of the County in terms of fiscal responsibility, as immigrants being able to obtain these civil legal services, and thereby vindicate their legal rights, may lead to a reduced reliance on County services.

The goals and objectives of the proposed Agreement will be tracked and monitored by the Office for Women.

I respectfully recommend the adoption of the attached Resolution.

RS/SED/bdm/nn

APPROVED BOARD OF ACQUISITION & CONTRACT ADMINISTRATION  
SOMARY WEIRA, SECRETARY

## RESOLUTION

Upon a communication from the Director of the Office for Women, be it hereby

**RESOLVED**, that the County of Westchester (the "County") is hereby authorized to enter into an agreement with Pace University ("Pace"), pursuant to which Pace will provide civil legal services for immigrants (the "Services"), for a term commencing April 1, 2014 and continuing through December 31, 2016, for a total amount not-to-exceed \$275,000, consisting of an amount not-to-exceed \$75,000 for the calendar year 2014, an amount not-to-exceed \$100,000 for the calendar year 2015, and an amount not-to-exceed \$100,000 for the calendar year 2016, all of which will be paid pursuant to an approved budget (the "Agreement"); and be it further

**RESOLVED**, that under the Agreement, Pace will be authorized to subcontract a portion of the Services to Westchester Hispanic Coalition, Inc. ("WHC"); 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 the 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 contractor, then the contractor shall have the right to terminate the Agreement upon reasonable prior written notice; and be it further

**RESOLVED**, that the County Executive or his duly authorized designee is hereby authorized to execute and deliver any and all documents and to take all action necessary and appropriate to effectuate the purposes of this Resolution.

Account to be charged/credited:

Fund	Dept	Major Program, Program & Phase, Or Unit	Object/ Sub-Object	Dollars	Funding Year(s)
101	11	0900	4380	\$75,000	2014
101	11	0900	4380	\$100,000	2015
101	11	0900	4380	\$100,000	2016

Budget Funding Year(s) 2014-2016 Start Date: 4/1/2014 End Date: 12/31/2016  
(must match resolution)

<p><u>\$275,000</u> (must match resolution)</p>	<p>Funding Source: Tax Dollars: <u>\$275,000</u> State Aid: _____ Federal Aid: _____ Other: _____</p>
---	---