



Robert P. Astorino  
County Executive

Department of Social Services

Kevin M. McGuire  
Commissioner

**41422**

DATE: July 18, 2014

TO: Board of Acquisition and Contract

FROM: Kevin M. McGuire  
Commissioner, Department of Social Services

SUBJECT: Amending a resolution approved on June 12, 2014, which authorized the County to amend an agreement with the City of Mount Vernon, pursuant to which the County was to provide the City with Federal National Emergency Grant funds.

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By a resolution approved on February 7, 2013, your Honorable Board authorized the County of Westchester, acting on behalf of the Westchester-Putnam Local Workforce Investment Board, (the "County") to enter into an agreement with the City of Mount Vernon (the "City"), pursuant to which the County was to provide the City an amount not-to-exceed \$914,125.00 in National Emergency Grant ("NEG") funds (the "NEG Funds") and the City was to use the NEG Funds to hire, equip, and/or transport, and provide supervision for, temporary workers who were to provide necessary labor and thereby assist in recovery efforts from damage caused by Hurricane Sandy, for a term commencing October 30, 2012 and continuing through September 30, 2013 (the "Original Agreement"). The Original Agreement was subsequently executed.

By a resolution approved on November 21, 2013, your Honorable Board authorized the County to amend the Original Agreement in order to, (1) increase the not-to-exceed amount thereof by an additional \$745,827.66, from an amount not-to-exceed \$914,125.00 to a new amount not-to-exceed \$1,659,952.66, and (2) extend the termination date thereof from September 30, 2013 to December 31, 2013 (the "First Amendment"). The First Amendment was subsequently executed.

By a resolution approved on February 20, 2014, your Honorable Board authorized the County to amend the Original Agreement, as amended by the First Amendment, in order to extend the termination date thereof from December 31, 2013 to June 30, 2014 (the "Second Amendment"). The Second Amendment was subsequently executed.

By a resolution approved on June 12, 2014 (the "June 12<sup>th</sup> Resolution"), your Honorable Board authorized the County to amend the Original Agreement, as amended by the First Amendment and the Second Amendment, (the "Agreement") in order to increase the not-to-exceed amount thereof by an additional \$650,188.43, from an amount not-to-exceed \$1,659,952.66 to a new amount not-to-exceed \$2,310,141.09 (the "Original Third Amendment").

The Original Third Amendment has not been executed. In the interim, the New York State Department of Labor ("NYSDOL") issued a new Notice of Obligational Authority ("NOA"), dated July 11, 2014, concerning the NEG Funds, which are Federal funds made available by the United States Department of Labor under the Workforce Investment Act of 1998, as amended, ("WIA") and provided to the County through NYSDOL. The new NOA notified the County, 1) that the authorized period for expenditure of the NEG Funds has been extended to March 31, 2015, and 2) that the County would be provided with additional NEG Funds, a portion of which are being made available to the County by NYSDOL expressly so that the County could provide additional NEG Funds to the City.

Accordingly, the County respectfully requests that your Honorable Board amend the June 12<sup>th</sup> Resolution to authorize the County to amend the Agreement, 1) in order to increase the not-to-exceed amount thereof by an additional \$811,898.30, rather than the additional \$650,188.43 that was originally authorized, and 2) extend the termination date thereof from June 30, 2014 to March 31, 2015 (the "New Third Amendment").

Except as specifically amended hereby, all terms and conditions of the June 12<sup>th</sup> Resolution shall remain in full force and effect.

The proposed New Third Amendment will serve a public purpose by enabling the County to provide additional funds to the City to facilitate their hiring, equipping, and/or transporting, and providing supervision for, temporary workers who will provide necessary labor and thereby assist in recovery efforts from the damage caused by Hurricane Sandy. The proposed New Third Amendment will also serve a public purpose by providing the City with additional time to expend the NEG Funds.

The goal and objective of the proposed New Third Amendment is to enable the County to provide additional funds to the City to facilitate their hiring, equipping, and/or transporting, and providing supervision for, temporary workers who will provide necessary labor and thereby assist in recovery efforts from the damage caused by Hurricane Sandy. The goal and objective of the proposed Third Amendment is also to provide the City with additional time to expend the NEG Funds.

The goal and objective of the proposed New Third Amendment is in the best interests of the County in terms of public health and welfare, as enabling the County to provide additional funds to the City to assist in recovery efforts from the damage caused by Hurricane Sandy, and providing the City with additional time to expend the NEG Funds, will enable the City to hire, equip, and/or transport, and provide supervision for, temporary workers who will provide necessary labor. In addition, the goal and objective of the proposed New Third Amendment is also in the best interests of the County in terms of fiscal responsibility, as the County will

provide the additional NEG Funds to help assist in the recovery efforts as described above, and will not have to expend other County funds to provide such assistance.

The goals and objectives of the proposed New Third Amendment will be tracked and monitored by the Department of Social Services.

It should be noted that Section 2918(d) of Title 29 of the United States Code, which is part of WIA, expressly authorizes NEG Funds to be expended through appropriate public agencies. As New York State law provides for the use of funds received under WIA pursuant to the terms and conditions of WIA, the provisions of New York State General Municipal Law 119-0 do not apply. Additionally, the proposed New Third Amendment is exempt from the requirements of the Westchester County Procurement Policy pursuant to Section 3(a)(iii) thereof.

I respectfully recommend your Honorable Board's approval of attached resolution.

KMM/BG/bdm/nn

APPROVED BOARD OF ACQUISITION & CONTRACTS 08/17/2011 DONALD VIEIRA SECRETARY

## RESOLUTION

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

**RESOLVED**, that the resolution approved on June 12, 2014 (the "June 12<sup>th</sup> Resolution"), which authorized the County of Westchester, acting on behalf of the Westchester-Putnam Local Workforce Investment Board, (the "County") to amend an agreement with the City of Mount Vernon (the "City"), pursuant to which the County was to provide the City with National Emergency Grant funds (the "NEG Funds"), is hereby amended by replacing the first "RESOLVED" clause with the following:

**RESOLVED**, that the County of Westchester, acting on behalf of the Westchester-Putnam Local Workforce Investment Board, (the "County") is hereby authorized to amend an agreement with the City of Mount Vernon (the "City"), pursuant to which the County was to provide the City an amount not-to-exceed \$1,659,952.66 in National Emergency Grant funds (the "NEG Funds") and the City was to use the NEG Funds to hire, equip, and/or transport, and provide supervision for temporary workers who were to provide necessary labor and thereby assist in recovery efforts from damage caused by Hurricane Sandy, for a term commencing October 30, 2012 and continuing through June 30, 2014 (the "Agreement"), in order to, 1) extend the term thereof by nine (9) months, to a new termination date of March 31, 2015, and 2) increase the not-to-exceed amount thereof by an additional \$811,898.30, from an amount not-to-exceed \$1,659,952.66 to a new amount not-to-exceed \$2,471,850.96; and be it further

; and be it further

**RESOLVED**, that except as specifically amended hereby, all terms and conditions of the June 12<sup>th</sup> Resolution shall remain in full force and effect; and be it further

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

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Original Contract Amount: \$ 914,125.00  
 First Amendment: \$ 745,827.66  
 Second Amendment: \$ 0.00  
**This New Third Amendment: \$ 811,898.30**  
 Total \$2,471,850.96

Account to be  
 Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
275	22	087M	7350	T087C	\$811,898.30

Budget Funding Year(s): 2012-13 (Grant year) Start Date: N/A End Date: 3/31/15  
 (must match resolution)

Funding Source Tax Dollars:  
 State Aid:  
\$811,898.30 Federal Aid: 100%  
 (must match resolution) Other:

APPROVED BOARD OF ACQUISITION & CONTRACT - 08/14/2014 DOMARY VIEIRA, SECRETARY