

53331

DATE: November 16, 2016

TO: Board of Acquisition and Contract

FROM: Edward Buroughs
Commissioner of Planning

SUBJECT: Resolution authorizing a second amendment to the agreement between the County of Westchester and the Housing Action Council Inc. to provide funds for HAC to provide marketing and property management services in order to increase the not-to-exceed amount from \$700,000 to an amount not-to-exceed \$1,187,366 and to change the expiration date

On November 5, 2015, your Honorable Board approved a resolution authorizing the County of Westchester ("County") to enter into an agreement (the "Agreement") with Housing Action Council Inc. ("HAC") to provide pre-purchase document review and post-purchase marketing and property management services for properties that have been approved for purchase by the County that will affirmatively further fair housing ("AFFH") in an amount not-to-exceed \$200,000.

On January 21, 2016, your Honorable Board approved a resolution authorizing the County of Westchester ("County") to amend the Agreement with Housing Action Council Inc. ("HAC") in order to provide for additional services and to increase the not-to-exceed amount of the Agreement from \$200,000 to an amount not-to-exceed \$700,000.

Transmitted herewith is a resolution which, if approved by your Honorable Board, will authorize the County to amend the Agreement with HAC in order to change the expiration date from June 30, 2017 to June 30, 2018 and increase the not-to-exceed amount of the Agreement from \$700,000 to an amount not-to-exceed \$1,187,366, an increase of \$487,366. These additional funds will be disbursed from the Community Development Block Grant Property Improvement Program in an amount not-to-exceed \$174,141 and from approved Capital Project BPL50 Acts in the not-to-exceed amount of \$313,225 for post-purchase marketing and property management services for properties that have been approved for purchase by the County.

This amendment is necessary since additional properties have been purchased and approved for purchase to meet the County's obligation under the Settlement Agreement (defined below) and these properties require marketing and property management services until they are sold to eligible buyers after marketing. The additional time is requested as some of the properties have not yet been purchased and the property management services must cover the time when the properties are marketed and the potential purchasers pursue their mortgage financing, which is expected to be approximately eight months on each property.

This procurement is in compliance with the County of Westchester Procurement Policy Procedures pursuant to Section 3(a)xvi, which states that contracts with recipients for disbursement of grants or loans under the Community Development Block Grant Program are exempt.

Pursuant to the Stipulation and Order of Settlement and Dismissal entered into in connection with a lawsuit titled U.S. ex rel. Anti-Discrimination Center of Metro New York, Inc. v. Westchester County, New York (the "Settlement Agreement"), the County is required to ensure the development of 750 units of affordable AFFH units. In furtherance of these objectives, the County provides funding to assist in the development and rehabilitation of affordable AFFH units located in eligible census blocks as defined in the Settlement Agreement.

The goal and objective of this second amendment is to provide services necessary to create and market affordable AFFH units in accordance with the terms of said Settlement Agreement. Department of Planning staff will review HAC's performance to ensure all contractual requirements are met.

I recommend approval of this amendment.

EB/cp/
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACTS 12/23/2016 U.S. TRIJAS, SECRETARY

RESOLUTION

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UPON A COMMUNICATION FROM THE COMMISSIONER OF PLANNING, BE IT HEREBY

RESOLVED: that the County of Westchester is authorized to approve a second amendment to the agreement (“Agreement”) with the Housing Action Council, Inc. for the provision of marketing and property management services for certain properties approved for purchase by the County, in order to change the expiration date from June 30, 2017 to June 30, 2018 and increase the not-to-exceed amount of the Agreement from \$700,000 to an amount not-to-exceed of \$1,187,366, an increase of \$487,366. The additional funds will be disbursed from the Community Development Block Grant Property Improvement Program in an amount not-to-exceed \$174,141 and from approved Capital Project BPL50 Acts in an amount not-to-exceed of \$313,225; and be it further

RESOLVED: that all other terms and conditions of the Agreement will remain the same; and be it further

RESOLVED: that the County Executive or his duly authorized designee is authorized to execute any documents and take any actions necessary to effectuate purposes hereof.

Original Agreement	\$200,000
First Amendment	\$500,000
This Amendment	\$487,366
TOTAL	\$1,187,366

AGREEMENT NUMBER C-67-10-T53 & C-PL-16-415

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
263	19	793R	4380	T793	\$ Federal \$102,960
318	19	BPL50	6050		Federal \$71,211
318	19	BPL50	6050		\$313,225

Budget Funding Year(s) FY 2016 Start Date July 1, 2015 End Date June 30, 2018

Funding Source Tax Dollars \$313,225
 State Aid _____
\$487,366 Federal Aid \$174,141
 (must match resolution) Other _____