

[64328]

DATE: June 29, 2018

TO: Board of Acquisition and Contract

FROM: Michael Orth, Commissioner
Department of Community Mental Health

SUBJECT: Authority to amend an agreement with The Mental Health Association of Westchester County, Inc., pursuant to which it was to provide the County with housing services and supportive services for homeless persons, by, 1.) extending its term by one (1) month, to a new expiration date of January 31, 2018, and 2.) increasing its not-to-exceed amount by \$14,380.00.

By a resolution approved on December 22, 2016 (the "Original Resolution"), your Honorable Board authorized the County of Westchester (the "County") to enter into an agreement with The Mental Health Association of Westchester County, Inc. ("MHA"), pursuant to which MHA was to provide the County with, 1.) a rental assistance program for the homeless (the "Rental Assistance Services"), and 2.) supportive services for the homeless for both, a.) those persons who were in the units that were to be provided through the rental assistance program, and b.) those persons in specified units that were provided by the Municipal Housing Authority of the City of Yonkers, (collectively, the "Services") for a term commencing on January 1, 2017 and continuing through December 31, 2017 (the "Agreement"). The Original Resolution authorized the County to enter into the Agreement with it having a not-to-exceed amount of \$423,507.00. However, the County determined, after approval of the Original Resolution, that the provision of the Services during the term of the Agreement would not cost \$423,507.00, and that there was, therefore, no reason to include that full not-to-exceed amount in the Agreement. Accordingly, the Agreement that was executed by the County and MHA specified a not-to-exceed amount of \$409,127.00.

The funding for the Rental Assistance Services was provided to the County by the United States Department of Housing and Urban Development, by a grant agreement with an end date of January 31, 2018 (the "HUD Agreement"). In accordance with the term of the HUD Agreement, it includes funding for the month of January 2018, which is the above-mentioned \$14,380.00 difference between the not-to-exceed amount in the Original Resolution and the not-to-exceed amount in the Agreement. The County has now determined that it would be preferable for it to align the end of the provision of the Rental Assistance Services under the Agreement with the end of the term of the funding under the HUD Agreement, in order to make full use of those available funds.

Accordingly, the County respectfully requests that your Honorable Board authorize the County to amend the Agreement by, 1.) extending its term by one (1) month, to a new expiration date of January 31, 2018, during which additional month MHA will only perform the Rental Assistance Services portion of the Services, and 2.) increasing its not-to-exceed amount by \$14,380.00, to a new not-to-exceed amount of \$423,507.00, to pay for the Rental Assistance Services during said additional month (the "Amendment").

Except as described above, all terms and conditions of the Agreement shall remain in full force and effect.

The proposed Amendment will serve a public purpose by providing the County with the Rental Assistance Services for an additional month.

The goal and objective of the proposed Amendment is to provide the County with the Rental Assistance Services for an additional month.

The goal and objective of the proposed Amendment is in the best interests of the County in terms of public health and safety, as the County having the Rental Assistance Services for an additional month for the population served by those services will ultimately help ensure the health and safety of persons in that population.

The goal and objective of the proposed Amendment will be tracked and monitored by the staff of the Department of Community Mental Health.

This procurement is exempt from the Westchester County Procurement Policy pursuant to Section 3(a)(xi) thereof, which exempts "any procurement made pursuant to procurement procedures provided for under any other federal or state law applicable to such procurement", and Section 13 thereof, which specifies that each procurement that is funded, in whole or in part, by federal funds shall be made in accordance with any and all applicable federal laws, regulations, rules, guidance, instructions, or grant terms. Specifically, this procurement complies with 2 C.F.R. 200.320(f)(1), which allows for non-competitive procurement when what is being procured "is available only from a single source", as no entity besides MHA could, as a practical matter, provide the Rental Assistance Services during the single month at issue.

I respectfully recommend the adoption of the attached Resolution.

MO/TP/bdm/nm

RESOLUTION

Upon a communication from the Commissioner of Community Mental Health, be it hereby:

RESOLVED, that the County of Westchester (the "County") is hereby authorized to amend an agreement with The Mental Health Association of Westchester County, Inc. ("MHA"), pursuant to which MHA was to provide the County with, 1.) a rental assistance program for the homeless(the "Rental Assistance Services"), and 2.) supportive services for the homeless for both, a.) those persons in the units that were to be provided through the rental assistance program, and b.) those persons who were in specified units that were provided by the Municipal Housing Authority of the City of Yonkers, (collectively, the "Services") for a term commencing on January 1, 2017 and continuing through December 31, 2017, for an amount not-to-exceed \$409,127.00, (the "Agreement") by, 1.) extending its term by one (1) month, to a new expiration date of January 31, 2018, during which additional month MHA will only perform the Rental Assistance Services portion of the Services, and 2.) increasing its not-to-exceed amount by \$14,380.00, to a new not-to-exceed amount of \$423,507.00, to pay for the Rental Assistance Services during said additional month (the "Amendment"); and be it further

RESOLVED, that except as specifically amended hereby, all terms and conditions of the Agreement shall remain in full force and effect; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized to execute any documents and take any actions reasonably 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	Trust Account	Dollars

Budget Funding Year(s): _____ Start Date: 01/01/18 End Date: 01/31/18
 (must match resolution)

Funding Source \$ _____ Tax Dollars: _____
 (must match resolution) State Aid: _____
 Federal Aid: _____
 Other: _____