



George Latimer
County Executive

Department of Social Services

Kevin M. McGuire
Commissioner

64578

DATE: August 3, 2018

TO: Board of Acquisition and Contract

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

SUBJECT: Authority to amend an agreement with Interfaith Council For Action, Inc., pursuant to which it was to provide a specified zone with an Emergency Housing Assistance Program, by, 1.) modifying its scope of services to require additional emergency housing units, 2.) increasing its specified annual not-to-exceed amounts to account for the costs of these additional services, and 3.) modifying its specified annual budgets to account for and specify the costs of these additional services.

By a resolution approved on January 26, 2017, your Honorable Board authorized the County of Westchester (the "County"), acting by and through its Department of Social Services ("DSS" or "WCDSS"), to, among other things, enter into an agreement (the "Original Agreement") with Interfaith Council For Action, Inc. ("IFCA"), pursuant to which IFCA was to provide the "Peekskill City School District and Hendrick Hudson Central School District" zone (the "Zone") with an Emergency Housing Assistance Program ("EHAP"), consisting of the provision of Emergency Housing Units ("Units") and related housing service to customers deemed eligible for temporary housing assistance by DSS, for the period from January 1, 2017 through December 31, 2017 (the "Initial Term"), with the County having the sole option to extend the term for up to four (4) additional one (1) year periods, on the same terms as the Initial Term except with respect to cost, (each an "Option Term") for the following not-to-exceed amounts for the Initial Term and each Option Term:

<u>Term</u>	<u>Not-To-Exceed Amount</u>
1.) Initial Term (1/1/17 - 12/31/17)	\$527,392.00
2.) Option Term #1 (1/1/18 - 12/31/18)	\$526,694.00
3.) Option Term #2 (1/1/19 - 12/31/19)	\$540,786.00
4.) Option Term #3 (1/1/20 - 12/31/20)	\$548,688.00

5.) Option Term #4 (1/1/21 - 12/31/21) \$564,320.00

The Original Agreement was subsequently executed.

By a resolution approved on March 8, 2018, your Honorable Board authorized the County, acting by and through the Department, to, among other things, exercise its first one-year option under the Original Agreement and therefore amend the Original Agreement by, 1.) extending its term by one (1) year, to a new termination date of December 31, 2018; 2.) increasing its not-to-exceed amount by \$526,694.00, to a new total not-to-exceed amount of \$1,054,086.00, to pay for services during the first Option Term, which will be payable as specified in the Original Agreement for the first Option Term; and 3.) reflecting the fact that the County would have three (3) one (1) year options remaining under the Original Agreement (the "First Amendment"). The First Amendment was subsequently executed.

The Original Agreement was procured via a request for proposals that was issued by DSS on October 26, 2016 (the "RFP"). The RFP specified that DSS, at that time, required a total of 15 Units in the Zone, consisting of 10 Units in the Peekskill School District and 5 Units in the Hendrick Hudson Central School District. The RFP went on to explain as follows:

"It is possible that the number of required Units will not vary during the term of any agreement(s) resulting from this RFP, and that the selected proposer(s) will therefore provide, for the full term of the agreement(s), the number of Units for each Zone as specified above.

However, the County may find, during the term of any agreement(s) resulting from this RFP, that it requires more or fewer Units in each Zone. Accordingly, the selected proposer(s) will be required to provide more or fewer Units in each Zone as necessary and as directed by WCDSS.

In the event WCDSS directs a selected proposer to decrease the number of Units it is providing, the selected proposer will submit to WCDSS a revised budget, reflecting the elimination of the direct costs associated with the Units that are no longer to be provided, and eliminate those Units' pro rata share all indirect costs.

In the event WCDSS directs a selected proposer to increase the number of Units it is providing, the selected proposer will submit to WCDSS a revised budget, reflecting the addition of the direct costs associated with the additional Units that are to be provided, and add those Units' pro rata share to all indirect costs.

If more Units are required, the selected proposer(s) will be required to make the required additional Units available for occupancy within ten (10) business days of receiving notice from the County.

If fewer Units are required, the selected proposer(s) will be required to cease charging the County, and the selected proposer(s) will not be reimbursed for, the costs associated with such Unit(s) that are incurred by the selected proposer(s) more than forty-five (45) days after notice is given to the selected proposer(s) regarding the County's reduced need."

The Original Agreement also specified that IFCA (as quoted below, the "Contractor") was to provide 15 Units in the Zone, consisting of 10 Units in the Peekskill School District and 5 Units in the Hendrick Hudson Central School District. The Original Agreement also contained the above-quoted language, with minor changes to non-substantive language, to make it appropriate for use in the Original Agreement, as follows:

"It is possible that the number of required Units will not vary during the term of this Agreement, and that the Contractor will therefore provide, for the full term of the Agreement, the number of Units for the Zone as specified above.

However, the County may find, during the term of the Agreement, that it requires more or fewer Units in the Zone. Accordingly, the Contractor will be required to provide more or fewer Units in the Zone as necessary and as directed by WCDSS.

In the event WCDSS directs the Contractor to decrease the number of Units it is providing, the Contractor will submit to WCDSS a revised budget, reflecting the elimination of the direct costs associated with the Units that are no longer to be provided, and eliminate those Units' pro rata share of all indirect costs.

In the event WCDSS directs a Contractor to increase the number of Units it is providing, the Contractor will submit to WCDSS a revised budget, reflecting the addition of the direct costs associated with the additional Units that are to be provided, and add those Units' pro rata share to all indirect costs.

If more Units are required, the Contractor will be required to make the required additional Units available for occupancy within ten (10) business days of receiving notice from the County.

If fewer Units are required, the Contractor will be required to cease charging the County, and the Contractor will not be reimbursed for, the costs associated with such Unit(s) that are incurred by the Contractor more than forty-five (45) days after notice is given to the Contractor regarding the County's reduced need."

DSS has newly found that it requires more Units in the Zone than currently provided for under the Original Agreement, as amended by the First Amendment, (the "Agreement"). Specifically, DSS determined that it requires six (6) additional Units in Zone, all of which will be in the Peekskill School District part of the Zone. Accordingly, DSS informed IFCA of this finding and IFCA has acted to comply with its obligations under the Agreement. The Units will be made available by IFCA as of August 1, 2018.

In order to ensure that the Agreement specifies the currently-required EHAP services, enables the County to pay IFCA for these additional EHAP services, and enables the County to make such payments based on updated budgets, authority is respectfully requested from your Honorable Board for the County to, 1.) modify the Agreement's scope of services to require six (6) additional emergency housing units in the Zone, all of which will be in the Peekskill School District part of the Zone, 2.) increase the Agreement's specified annual not-to-exceed amounts, as specified below, to account for the costs of these additional services during the remaining portion of the first Option Term and during the future Option Terms provided for under the Agreement, and 3.) modify its specified annual budgets to account for and specify the costs of these additional services:

Term	Original Amount		New Amount
	Not-To-Exceed	Increase	Not-To-Exceed
1.) Option Term #1 (1/1/18 - 12/31/18)	\$526,694.00	\$142,281.00	\$668,975.00
2.) Option Term #2 (1/1/19 - 12/31/19)	\$540,786.00	\$311,953.00	\$852,739.00
3.) Option Term #3 (1/1/20 - 12/31/20)	\$548,688.00	\$332,310.00	\$880,998.00
4.) Option Term #4 (1/1/21 - 12/31/21)	\$564,320.00	\$342,633.00	\$906,953.00

Except as specifically 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 enabling the County to pay for the additional Units that it requires for the Zone for customers deemed eligible for temporary housing assistance by DSS.

The goal and objective of the proposed amendment is to enable the County to pay for the additional Units that it requires for the Zone for customers deemed eligible for temporary housing assistance by DSS.

The goal and objective of the proposed amendment is in the best interests of the County in terms of public health and safety, as enabling the County to pay for the additional Units that it requires for the Zone for customers deemed eligible for temporary housing assistance by DSS will ultimately help ensure the health and safety of such persons.

The goals and objectives of the proposed amendment will be tracked and monitored by the staff of DSS.

I respectfully recommend the adoption of the attached resolution.

KMM/BG/bdm/nn

RESOLUTION

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

RESOLVED, that the County of Westchester (the “County”), acting by and through its Department of Social Services (“DSS”), is hereby authorized to amend its agreement (the “Agreement”) with Interfaith Council For Action, Inc. (“IFCA”), pursuant to which IFCA was to provide the “Peekskill City School District and Hendrick Hudson Central School District” zone (the “Zone”) with an Emergency Housing Assistance Program, consisting of the provision of Emergency Housing Units and related housing service to customers deemed eligible for temporary housing assistance by DSS, for the period from January 1, 2017 through December 31, 2018, for an amount not-to-exceed \$527,392.00 during the period from January 1, 2017 through December 31, 2017 (the “Initial Term”) and an amount not-to-exceed \$526,694.00 during the period from January 1, 2018 through December 31, 2018 (the first “Option Term”), with the County having the sole option to extend the term for up to three (3) additional one (1) year periods, on the same terms as the Initial Term except with respect to cost, (each an “Option Term”) for the following not-to-exceed amounts for each remaining Option Term:

<u>Term</u>	<u>Not-To-Exceed Amount</u>
1.) Option Term #2 (1/1/19 - 12/31/19)	\$540,786.00
2.) Option Term #3 (1/1/20 - 12/31/20)	\$548,688.00
3.) Option Term #4 (1/1/21 - 12/31/21)	\$564,320.00

(the “Agreement”), by, 1.) modifying the Agreement’s scope of services to require six (6) additional emergency housing units in the Zone, all of which will be in the Peekskill School District part of the Zone, 2.) increasing the Agreement’s specified annual not-to-exceed amounts, as specified below, to account for the costs of these additional services during the remaining portion of the first Option Term and during the future Option Terms provided for under the Agreement, and 3.) modifying the Agreement’s specified annual budgets to account for and specify the costs of these additional services:

<u>Term</u>	<u>Original Amount</u>		<u>New Amount</u>
	<u>Not-To-Exceed</u>	<u>Increase</u>	<u>Not-To-Exceed</u>
1.) Option Term #1 (1/1/18 - 12/31/18)	\$526,694.00	\$142,281.00	\$668,975.00
2.) Option Term #2 (1/1/19 - 12/31/19)	\$540,786.00	\$311,953.00	\$852,739.00
3.) Option Term #3 (1/1/20 - 12/31/20)	\$548,688.00	\$332,310.00	\$880,998.00
4.) Option Term #4 (1/1/21 - 12/31/21)	\$564,320.00	\$342,633.00	\$906,953.00

; and be it further

RESOLVED, that except as specifically hereby authorized to be amended, 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
2018	101	22	8900	5850	----	\$95,781
2018	101	22	8900	5860	----	\$46,500

Budget Funding Year(s): 2018-2021 Start Date:01/01/2018 End Date:12/31/18
(must match resolution)

		<u>5850</u>	<u>5860</u>
Funding Source	Tax Dollars:	1%	71%
	State Aid:	0%	29%
<u>\$142,281</u>	Federal Aid:	99%	
(must match resolution)	Other:		

APPROVED BOARD OF ACQUISITION & CONTRACT - 08/30/2018 - JOAN COCCARDI, SECRETARY