



George Latimer  
County Executive

Department of Social Services

Kevin M. McGuire  
Commissioner

**65296**

DATE: September 28, 2018

TO: Board of Acquisition and Contract

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

SUBJECT: Authority to exempt from the Westchester County Procurement Policy and Procedures, pursuant to Section 3(a)(xxi) thereof, an amendment to an agreement with The Westchester County Association, Inc., pursuant to which it was to provide project management services and related services for a project funded by the United States Department of Labor under an H1-B Ready to Work Partnership Grant, for an amount not-to-exceed \$3,390,626.00, for the period July 1, 2015 through October 31, 2018, that would extend its term, modify its scope of work, increase its not-to-exceed amount, and modify its budget.

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By a resolution approved on August 12, 2015, your Honorable Board authorized the County of Westchester (the "County") to enter into an agreement with The Westchester County Association, Inc. (the "WCA"), pursuant to which the WCA was to provide project management services and related services for a project funded by the United States Department of Labor ("USDOL") under an H1-B Ready to Work Partnership Grant (the "Grant"), for an amount not-to-exceed \$2,025,670.00, for the period July 1, 2015 through October 31, 2018 (the "Original Agreement"). The Original Agreement was subsequently executed.

By a resolution approved on November 17, 2016, your Honorable Board authorized the County to amend the Original Agreement in order to, 1.) expand the above-mentioned 'related services' portion of the scope of services to increase the number of 'Career Coaches' to be provided by the WCA from 3.5 FTE to 7 FTE for the period from July 1, 2016 to October 31, 2018 and to increase the number of 'Job Developers' to be provided by the WCA from 3.0 FTE to 6 FTE for the period from July 1, 2016 to October 31, 2018, and 2.) increase the not-to-exceed amount of the Original Agreement by \$1,364,956, from an amount not-to-exceed \$2,025,670.00 to a new amount not-to-exceed \$3,390,626.00 (the "First Amendment"). The increase in the not-to-exceed amount of the Original Agreement via the First Amendment was to compensate the

WCA for the provision of the above-mentioned additional services, as well as for certain employment training costs. The First Amendment was subsequently executed.

Earlier this year, the County requested from the USDOL, and subsequently received, approval of several changes to the terms of the Grant, including modifications to its budget, modifications to its statement of work, and an increase in its length by one (1) year, to a new termination date of October 31, 2019.

In light of the above-mentioned changes to the Grant, the County now desires to amend the Original Agreement, as amended by the First Amendment, (the "Current Agreement") in order to, a.) extend its term by six (6) months, to a new termination date of April 30, 2019, b.) modify its scope of services to receive from the WCA continued project management services and the facilitation of certain employment training, c.) increase the not-to-exceed amount payable thereunder by \$108,840.00, from an amount not-to-exceed \$3,390,626.00 to a new amount not-to-exceed \$3,499,466.00, in order to pay the WCA for the additional project management services and reimburse its facilitation of said employment training, and d.) modify its budget in order to allocate said new funds and re-allocate existing, remaining funds among the cost items of the budget as necessary to enable the County to properly pay the WCA for its services (the "Second Amendment").

The County desires to enter into the Second Amendment and thereby amend the Current Agreement, rather than procure the services through a competitive procurement process, as it would be time- and cost-inefficient to do so. Such a process might result in the selection of an entity other than WCA, and such entity would be expected to require lead-time and start-up costs, and thereby make it take longer and be more expensive for the County to accomplish the purposes of the Grant than it would be for the County to do so via the proposed Second Amendment.

Therefore, it is proposed that the best interests of the County would be served by exempting the proposed Second Amendment from the Westchester County Procurement Policy and Procedures, pursuant to Section 3(a)(xxi) thereof. Accordingly, a resolution to exempt this procurement is hereby submitted for your consideration.

KMM/TK/AT/bdm/nn

## RESOLUTION

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

**RESOLVED**, that pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, it is hereby determined that application of the procedural requirements contained therein, including the necessity of soliciting proposals, is neither cost effective nor expedient, and accordingly, not in the best interests of the County of Westchester (the "County") in connection with the procurement of an amendment to an agreement with The Westchester County Association, Inc. (the "WCA"), pursuant to which the WCA was to provide project management services and related services for a project funded by the United States Department of Labor under an H1-B Ready to Work Partnership Grant, for an amount not to exceed \$3,390,626.00, for the period from July 1, 2015 through October 31, 2018 (the "Agreement"), that would, a.) extend its term by six (6) months; to a new termination date of April 30, 2019, b.) modify its scope of services to receive from the WCA continued project management services and the facilitation of certain employment training, c.) increase the not-to-exceed amount payable thereunder by \$108,840.00, from an amount not-to-exceed \$3,390,626.00 to a new amount not-to-exceed \$3,499,466.00, in order to pay the WCA for the additional project management services and reimburse its facilitation of said employment training, and d.) modify its budget in order to allocate said new funds and re-allocate existing, remaining funds among the cost items of the budget as necessary to enable the County to properly pay the WCA for its services; and be it further

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APPROVED BOARD OF ACQUISITION & CONTRACT ADMINISTRATION SECRETARY