



George Latimer  
County Executive

Department of Social Services

Kevin M. McGuire  
Commissioner

**67633**

DATE: February 4, 2019

TO: Board of Acquisition and Contract

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

SUBJECT: Authority to amend an agreement with The Sharing Community, Inc., pursuant to which it was to operate an overnight warming site/drop-in center at a facility known as the Broadway Manor Emergency Shelter located at 101 North Broadway, Yonkers, New York, by, 1.) extending its term by three (3) months, to a new termination date of December 31, 2018, and 2.) increasing its not-to-exceed amount by \$55,000.00, to a new total not-to-exceed amount of \$652,911.00, to pay for services during the extended term..

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By a resolution approved on January 19, 2017, your Honorable Board authorized the County of Westchester (the "County") to enter into an agreement with The Sharing Community, Inc. ("TSC"), pursuant to which TSC was to operate an overnight warming site/drop-in center at a facility known as the Broadway Manor Emergency Shelter located at 101 North Broadway, Yonkers, New York, (the "Services") for the period from January 1, 2017 through June 30, 2017, for an amount not to exceed \$186,840.00, payable monthly pursuant to an approved budget (the "Original Agreement"). The Original Agreement was subsequently executed.

By a resolution approved on August 29, 2017, your Honorable Board authorized the County to amend the Original Agreement by, 1.) extending its term by three (3) months, to a new termination date of September 30, 2017, and 2.) increasing its not-to-exceed amount by \$80,879.00, to a new total not-to-exceed amount of \$267,719.00, in order to pay for the Services during the extended term (the "First Amendment"). The First Amendment was subsequently executed.

By a resolution approved on December 7, 2017, your Honorable Board authorized the

County to amend the Original Agreement, as amended by the First Amendment, by, 1.) extending its term by six (6) months, to a new termination date of March 31, 2018, and 2.) increasing its not-to-exceed amount by \$259,968.00, to a new total not-to-exceed amount of \$527,687.00, in order to pay for the Services during the extended term (the "Second Amendment"). The Second Amendment was subsequently executed.

By a resolution approved on April 4, 2018, your Honorable Board authorized the County to amend the Original Agreement, as amended by the First Amendment and the Second Amendment, by, 1.) extending its term by three (3) months, to a new termination date of June 30, 2018, and 2.) reducing the total not-to-exceed amount by \$19,867.00, to a new total not-to-exceed amount of \$507,820.00, based on the need for an increase of \$90,091.00 in order for TSC to provide the Services during the extended term and the need for a decrease of \$109,958.00 in order to reflect the fact that TSC had not provided certain budgeted parts of the Services during the previous term (the "Third Amendment"). The Third Amendment was subsequently executed.

By a resolution approved on August 16, 2018, your Honorable Board authorized the County to amend the Original Agreement, as amended by the First Amendment, the Second Amendment, and the Third Amendment, by, 1.) extending its term by three (3) months, to a new termination date of September 30, 2018, and 2.) increasing its not-to-exceed amount by \$90,091.00, to a new total not-to-exceed amount of \$597,911.00, in order to pay for the Services during the extended term (the "Fourth Amendment"). The Fourth Amendment was subsequently executed.

On August 22, 2018, the County, acting by and through its Department of Social Services ("DSS"), issued a request for proposals (the "RFP") that solicited proposals from vendors to provide services, at 101 North Broadway, Yonkers, New York (the "Premises"), including the Services. In response to the RFP, the County received only one proposal, which was from TSC. Negotiations with TSC for a new agreement, based on the RFP and TSC's proposal, took far longer than anticipated, and did not conclude until the second-to-last week of December.

Authority to enter into an agreement for services at the Premises based upon the RFP, for a period commencing on January 1, 2019, will be the subject of a separate request to your Honorable Board. However, while the RFP process was unfolding, DSS continued to require the Services at the Premises. Accordingly, between October 1, 2018 and December 31, 2018, DSS allowed TSC to continue to provide the Services.

Therefore, in order to facilitate payment to TSC for its provision of the Services during the period from October 1, 2018 and December 31, 2018, the County respectfully requests that your Honorable Board authorize the County to amend the Original Agreement, as amended by the First Amendment, the Second Amendment, the Third Amendment, and the Fourth Amendment (the "Agreement") by, 1.) extending its term by three (3) months, to a new termination date of December 31, 2018, and 2.) increasing its not-to-exceed amount by \$55,000.00, to a new total not-to-exceed amount of \$652,911.00.

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 having continued to provide a safe, supervised place to sleep at night for homeless individuals who are outside the County's shelter system and might otherwise be forced to sleep in public places.

The goal and objective of the proposed amendment is to enable the County to pay for having continued to provide a safe, supervised place to sleep at night for homeless individuals who are outside the County's shelter system and might otherwise be forced to sleep in public places.

The goal and objective of the proposed amendment is in the best interests of the County in terms of health and safety, as enabling the County to have continued to provide a safe, supervised place to sleep at night for homeless individuals who are outside the County's shelter system and might otherwise be forced to sleep in public places ultimately helped ensure the health and safety of such individuals.

The goal and objective of the proposed amendment will be tracked and monitored by the staff of the Department of Social Services.

The proposed amendment is exempt from the requirements of the Westchester County Procurement Policy pursuant to Section 3(a)(xiv) thereof.

I respectfully recommend approval of the attached resolution.

KMM/BG/hdm/mn

APPROVED BOARD OF ACQUISITION & CONTRACT ADMINISTRATION  
2019 - LISA BRUNO, SECRETARY

## RESOLUTION

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

**RESOLVED**, that the County of Westchester (the "County") is hereby authorized to amend its agreement with The Sharing Community, Inc. ("TSC"), pursuant to which TSC was to operate an overnight warming site/drop-in center at a facility known as the Broadway Manor Emergency Shelter located at 101 North Broadway, Yonkers, New York, for the period from January 1, 2017 through September 30, 2018, for an amount not to exceed \$597,911.00, payable monthly pursuant to an approved budget, (the "Agreement") by, 1.) extending its term by three (3) months, to a new termination date of December 31, 2018, and 2.) increasing its not-to-exceed amount by \$55,000.00, to a new total not-to-exceed amount of \$652,911.00, in order to pay for services during the extended term; 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.

Original Contract Amount:	\$186,840.00
First Amendment:	\$ 80,879.00
Second Amendment:	\$259,968.00
Third Amendment:	(\$ 19,867.00)
Fourth Amendment:	\$ 90,091.00
<u>This Amendment:</u>	<u>\$ 55,000.00</u>
New Total:	\$652,911.00

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars
101	22	8900	5860	-----	\$55,000

Budget Funding Year(s): 2018                      Start Date: 10/01/18                      End Date: 12/31/18  
(must match resolution)

Funding Source                      Tax Dollars: 71%  
   State Aid: 29%

\$55,000.00                      Federal Aid: 0%  
(must match resolution)                      Other: