



Department of Emergency Services

Memorandum

70032

DATE: June 3, 2019

TO: Board of Acquisition and Contract

FROM: John M. Cullen
Commissioner of Emergency Services

SUBJECT: Resolution to exempt the procurement of an agreement with BCFS Health and Human Services, to assist the County of Westchester with among other things, the implementation of the long-term remedial work plan and with development of guidance documents and training programs associated with the County's emergency preparedness to ensure compliance with the Americans with Disabilities Act, 42 U.S.C. § 12131 et seq. and Section 504 of the Rehabilitation Act, 29 U.S.C. § 794 from the application of the Westchester County Procurement Policy and Procedures pursuant to Section 3(a)xxi thereof.

Authority is hereby requested from your Honorable Board to exempt from the application of the Westchester County Procurement Policy and Procedures (the "Procurement Policy") pursuant to Section 3(a)xxi thereof, the procurement of an agreement (the "Agreement") with BCFS Health and Human Services ("BCFS"), to assist the County of Westchester ("County"), acting by and through its Department of Emergency Services (the "Department"), with, among other things, the implementation of the long-term remedial work plan and with development of guidance documents and training programs associated with the County's emergency preparedness to ensure compliance with the Americans with Disabilities Act ("ADA"), 42 U.S.C. § 12131 et seq., and Section 504 of the Rehabilitation Act ("RA").

Ordinarily, under Section 5(a) of the Procurement Policy, the County is required to solicit oral or written quotations from no fewer than three persons customarily providing the required services. Pursuant to Section 3(a)xxi, the Procurement Policy is not applicable to any procurement for which this Honorable Board determines, by resolution passed prior to commencing such procurement, that compliance with the policy would not be in the best interests of the County.

As your Honorable Board may recall, the County entered into an agreement with Disability Rights Advocates and Westchester Disabled on the Move, Inc., which required the County to retain the services of a subject matter expert to provide assistance and guidance to the County with developing substantive revisions to the County's emergency preparedness programs and services in order to meet the needs of people with all types of disabilities, consistent with the role of County government in major emergency and disaster response.

In accordance with the terms of that agreement, the County entered into an agreement with BCFS to provide professional services to assist the County with review and revision of the CEMP and other associated County emergency preparedness programs and services and ensure compliance with the ADA and RA. The agreement with BCFS was satisfactorily completed in August 2018.

Pursuant to the terms of the proposed Agreement, BCFS will provide professional services, to assist the County with, among other things, the implementation of the long-term remedial work plan and with development of guidance documents and training programs associated with the County's emergency preparedness to ensure compliance with the ADA and RA.

BCFS is uniquely qualified to assist the County, not only because of its outstanding performance under the previous contract, but also because the outline BCFS helped create will serve as the foundation for the changes to the County's policies and practices going forward.

For the reasons set forth above, it is proposed that the best interests of the County would be served by exempting the procurement of the proposed agreement from the application of the Procurement Policy as it is neither cost effective nor expedient, and not in the best interests of the County in connection the proposed agreement with BCFS. Accordingly, a Resolution to exempt the procurement of the agreement with BCFS is hereby submitted for your Honorable Board's consideration.

I respectfully recommend approval of the attached Resolution.

JMC/jrc

RESOLUTION

Upon a communication from the Commissioner of Emergency 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 price quotations, is neither cost effective nor expedient, and accordingly, not in the best interests of the County of Westchester (“County”) in connection with an agreement with BCFS Health and Human Services, to assist the County with development of guidance documents and training programs associated with the County’s emergency preparedness to ensure compliance with the Americans with Disabilities Act, 42 U.S.C. § 12131 et seq., and Section 504 of the Rehabilitation Act.

APPROVED BOARD OF ACQUISITION & CONTRACT - 05/09/2019 - LISAMIRIJAJ, SECRETARY