



**WESTCHESTER  
COUNTY CLERK**

**Timothy C. Idoni**

**MEMORANDUM**

**110 Dr. Martin Luther King, Jr. Blvd., White Plains, NY 10601**

**71435**

**TO:** Board of Acquisition and Contract

**FROM:** Timothy C. Idoni  
Westchester County Clerk

**DATE:** August 30, 2019

**RE:** Authorization for the County of Westchester, acting by and through the Westchester County Clerk, to enter into an agreement with New York State Industries for the Disabled, Inc. ("NYSID") for the provision of onsite mailroom services, mail folding and inserting, and mail distribution by foot messenger delivery; and data imaging services, including photocopying and reproduction of documents, sorting, counting, labeling and stapling/unstapling various documents in preparation for scanning, on an as needed basis at the Clerk's Office for a two (2) year term from January 1, 2020 through December 31, 2020, at the hourly rate of \$15.28 with an annual not to exceed amount of \$23,835.49, and from January 1, 2021 through December 31, 2021 at the hourly rate of \$16.45 with an annual not to exceed amount of \$25,668.99, totaling a not to exceed amount for the two-year period of \$49,504.48, subject to appropriations; to approve The ARC Westchester as NYSID's subcontractor; and to exempt NYSID from the County's Performance and Payment Bond requirement.

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Authority is respectfully requested for the County of Westchester (the "County"), acting by and through the Westchester County Clerk, to enter into an agreement with New York State Industries for the Disabled, Inc. ("NYSID") for the provision of onsite mailroom and data imaging services on an as needed basis at the Clerk's Office for a two (2) year term from January 1, 2020 through December 31, 2020, at the hourly rate of \$15.28 with an annual not to exceed amount of \$23,835.49, and from January 1, 2021 through December 31, 2021 at the hourly rate of \$16.45 with an annual not to exceed amount of \$25,668.99, subject to appropriations; to approve The ARC Westchester as NYSID's subcontractor; and to exempt NYSID from the County's Performance and Payment Bond requirement. Said services shall include, but not be limited to, onsite mailroom services, mail folding and inserting, and mail distribution by foot messenger delivery; and data imaging services, including photocopying and reproduction of documents, sorting, counting, labeling and stapling/unstapling various documents in preparation for scanning, all of which shall be performed on behalf of and at the direction of the County Clerk on an as needed basis (the "Services").

New York State Finance Law §162 exempts the procurement of certain products and services from competitive procurement provisions and requires the County to give designated preferred source providers an opportunity to provide these commodities and services. The exemption applies to the provision of the Services and NYSID is a preferred source provider.

NYSID is a not-for-profit membership organization established in 1975 by the New York State Commissioner of Education to act as the central coordinator for member organizations which serve people with disabilities by making those organizations eligible for State contracts as preferred source providers. The ARC Westchester is such a member agency.

In accordance with, and pursuant to the provisions contained in State Finance Law §162, the County informed NYSID of the requirements of the proposed agreement, and NYSID submitted a notice of intent to provide the Services. In accordance with State Finance Law §162, the County has reviewed the information provided by NYSID and has determined that the Services are available in the “form, function, and utility” required by the County.

Pursuant to State Finance Law §162, the Commissioner of the New York State Office of General Services (“OGS”) sets the fair market price for services and determines whether a proposed price is within fifteen percent (15%) of the fair market price. The County must utilize the preferred provider as long as the price for the services does not exceed fifteen percent (15%) of the fair market price for such services as determined by OGS. However, in situations where the total amount of the agreement is less than \$50,000, as in the present case, the County must make the determination that the proposed price is reasonable. The County Clerk has determined that the fee to be paid under this agreement is reasonable based upon the prevailing wage schedule as set by the New York State Commissioner of Labor and taking into account the provisions of the Westchester County Living Wage Law.

NYSID will perform the Services by utilizing The ARC Westchester as a subcontractor. The utilization of The ARC Westchester and the population it serves, individuals with disabilities, as a subcontractor, is precisely the arrangement that was envisioned when NYSID was established and the preferred source procurement program was adopted.

This proposed agreement will also serve a public purpose because it will maintain operational efficiencies while reducing costs in the County Clerk’s Office. The goal and objective of the proposed agreement will be tracked and monitored by the Office of the County Clerk.

NYSID has provided services to the County for a number of years and currently has other contracts with the County. Accordingly, authority is requested to eliminate the requirement that NYSID provide a Performance and Payment Bond.

Accordingly, I respectfully request the adoption of the attached Resolution.

TCI/cfa  
Attachment

**RESOLUTION**

Upon a communication from the Westchester County Clerk, be it hereby

**RESOLVED**, that the County of Westchester (the “County”) acting by and through the Westchester County Clerk, is hereby authorized to enter into an agreement with New York State Industries for the Disabled, Inc. (“NYSID”) for the provision of onsite mailroom services, mail folding and inserting, and mail distribution by foot messenger delivery, and data imaging services, including photocopying and reproduction of documents, sorting, counting, labeling and stapling/unstapling various documents in preparation for scanning, on an as needed basis at the Clerk’s Office for a two (2) year term from January 1, 2020 through December 31, 2020, at the hourly rate of \$15.28 with an annual not to exceed amount of \$23,835.49, and from January 1, 2021 through December 31, 2021 at the hourly rate of \$16.45 with an annual not to exceed amount of \$25,668.99, totaling a not to exceed amount for the two-year period of \$49,504.48, subject to appropriations; and be it further

**RESOLVED**, that The ARC Westchester is approved as a subcontractor; and be it further

**RESOLVED**, that NYSID will not be required to post a Performance and Payment Bond; and be it further

**RESOLVED**, that the County Clerk or his duly authorized designee is hereby authorized to execute all instruments and take all actions reasonably necessary and appropriate to implement this Resolution.

**Account to be Charged/Credited**

Fiscal Year	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
2020	101	21	0300	4420		\$23,835.49
2021	101	21	0300	4420		\$25,668.99

**Budget Funding Year(s)** 2020 and 2021 **Start Date** 1/1/2020 **End Date** 12/31/2021

(must match resolution)

Funding Source

Tax Dollars \$49,504.48

State Aid \_\_\_\_\_

**\$49,504.48**

Federal Aid \_\_\_\_\_

(must match resolution)

Other \_\_\_\_\_