

DATE: January 26, 2010

TO: Board of Acquisition and Contract

FROM: Edward Buroughs
Acting Commissioner

RE: Resolution authorizing the County of Westchester to enter into an agreement with W. Frank Newton, Inc. to conduct an Analysis of Impediments to Fair Housing Choice for the County of Westchester

The County of Westchester submits to the United States Department of Housing and Urban Development (“HUD”), a Five Year Consolidated Plan for the CDBG, HOME and ESG programs (the “Consolidated Plan”). Under the Consolidated Plan, the County is required to submit to HUD an Analysis of Impediments to Fair Housing Choice (“AI”) and in June of 2009, the County submitted a draft AI (the “Draft AI”) to HUD.

Subsequent to this submission, in August of 2009, a Stipulation and Order of Settlement and Dismissal was entered in the action entitled *U.S. ex rel. Anti-Discrimination Center v. Westchester* (“Stipulation”), which settled various outstanding claims associated with the County’s compliance with reporting obligations in connection with certain HUD grant programs.

Specifically, the Stipulation included a provision that the County submit, within 120 days of entry of the Stipulation, an AI that is “deemed acceptable by HUD”. In furtherance thereof, on October 26, 2009, HUD issued a 12-page summary of the statistical surveying and analyses and document revisions which needed to be made to the Draft AI to satisfy both HUD’s general requirements and the specific requirements of the Stipulation (“HUD Summary”). The County then requested an extension of time for submission of the revised AI due to, among other things, the County’s desire to utilize the services of a consultant to produce a high quality AI that meets the County’s obligation under the Stipulation. HUD granted this request and gave the County until January 31, 2010 to select and execute a contract with a consultant. The resulting AI would then be submitted by June 15, 2010.

On December 23, 2009, the County issued a Request for Proposals (“RFP”), by posting it on the County website and mailing it to a number of potential firms, seeking professional services in order to conduct an AI based on the HUD Summary. The County

received 3 responses. After a thorough analysis of the submitted proposals, it was determined that W. Frank Newton, Inc. (“WFN”) was not only the least expensive, its proposal best met the County’s selection criteria.

Pursuant to the proposed agreement, WFN will perform the required background work, analyze the data, and issue the draft revisions to the AI to the County not later than June 15, 2010. In consideration of these services, the County will pay to WFN an amount not to exceed \$97,000, inclusive of expenses. The term of the agreement will commence upon execution and expire on August 31, 2010.

The County’s objective in entering into this agreement is to ensure that the County meets its obligation under the Stipulation of producing an AI that is acceptable to HUD. Failure to enter into this Agreement would require that the County utilize in-house staff that does not have the expertise in AFFH that is required, and would jeopardize the County’s ability to comply with the Stipulation. County staff will monitor the progress that WFN makes in completing the AI through frequent interaction with WFN in order to ensure timely completion.

I recommend your favorable consideration of the annexed proposed Resolution.

EBB/ rpc
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 1-28-2010 - JOMAR VENA, SECRETARY

RESOLUTION

Upon a communication from the Acting Commissioner of Planning, be it hereby

RESOLVED, that the County of Westchester is authorized to enter into an agreement with W. Frank Newton, Inc. (“WFN”) to conduct an Analysis of Impediments to Fair Housing Choice for the County of Westchester; and be it further

RESOLVED, that pursuant to the proposed agreement, WFN will perform the required background work and analyze the relevant data, and in consideration of these services, the County will pay to WFN an amount not to exceed \$97,000, inclusive of expenses, payable pursuant to an approved budget; and be it further

RESOLVED, that the term of the agreement will commence upon execution and expire on August 31, 2010; and be it further

RESOLVED, that the County Executive or his authorized designee is authorized and empowered to execute and deliver all instruments and take all actions necessary or appropriate to effectuate the purposes hereof.

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
263	19	991J	4420	T991	\$97,000.00

Budget Funding Year(s) FY 2009 Start Date Upon Execution End Date August 31, 2010
 (must match resolution)

Funding Source Tax Dollars \$97,000.00 *
 State Aid _____
\$97,000.00 Federal Aid _____
 (must match resolution) Other _____

* These funds are from bonds funded under Bond Act 154-2009 in connection with the Housing settlement.