



Department of Emergency Services

Memorandum

75220

DATE: March 11, 2020

TO: The Honorable Board of Acquisition and Contract

FROM: John M. Cullen, Commissioner of Emergency Services

RE: **Authority to amend a “short form” agreement with Westchester Catering, LLC (“Westchester Catering”) for the provision of catering and food delivery services for the Westchester County Department of Emergency Services at its Emergency Operations Center (“EOC”), by 1) extending the term of the agreement from April 15, 2020 through September 30, 2020; 2) increasing the total amount not-to-exceed thereunder by an additional \$50,000.00, from \$20,000.00 to \$70,000.00; and 3) expanding the locations to be served to include all County locations that are preparing for and responding to the COVID-19 emergency.**

On or about April 16, 2019, the County of Westchester (the “County”), acting by and through its Department of Emergency Services (“DES”) entered into a “short form” agreement with Westchester Catering (the “Agreement”) pursuant to which Westchester Catering agreed to furnish catering and food delivery services on an “as needed” basis for DES for emergency response/Indian Point drills and exercises, as well as meals in the event of an emergency activation of the EOC, for a term commencing on April 15, 2019 and continuing through April 14, 2020 for an amount not-to-exceed \$20,000.00, payable at approved rates.

With the activation of the EOC for the COVID-19 response, the demand for food delivery services has increased exponentially. In addition to providing catering services to the EOC, the Deputy County Executive has directed that Westchester Catering also provide food delivery services to the Incident Command Center for the Westchester County Department of Health (“DOH”) in New Rochelle to support the COVID-19 response efforts at that location. As a consequence, the not-to-exceed cap of \$20,000.00 has already been exceeded and will need to be increased by an additional \$50,000.00 in order to have sufficient funding available to compensate Westchester Catering for services already rendered as well as services expected to be rendered during this crisis. In addition, since there will be insufficient time to conduct a procurement for a new contract before the expiration date of the existing Agreement on April 14, 2020, the term of the Agreement will need to be extended through September 30, 2020 so that DES, DOH and other

County departments can have uninterrupted access to food delivery during this unexpected emergency.

As your Honorable Board is aware, amendments that increase the not-to-exceed amount beyond the \$35,000.00 monetary threshold for short-form contracts and/or extend such contracts beyond a term of one (1) year, must first be approved by your Honorable Board. Accordingly, authority is respectfully requested to amend the Agreement with Westchester Catering in order to: 1) extend the term thereof from April 15, 2020 through September, 30, 2020; 2) increase the total amount not-to-exceed thereunder by an additional \$50,000.00, from an amount not-to-exceed \$20,000.00 to a new amount not-to-exceed \$70,000.00; and 3) expand the locations to be served by Westchester Catering to include any and all County locations that are preparing for and responding to the COVID-19 emergency.

Except as specifically amended hereby, all other terms and conditions of the Agreement shall remain in full force and effect.

The County has complied with Section 5(b) of the Westchester County Procurement Policy. On or about March 27, 2019, DES solicited written price quotations from three (3) vendors providing catering and food delivery services. These vendors included: Westchester Catering; FMC Market, Inc.; and Carmine's Deli & Cafe. Westchester Catering submitted the lowest price quotation of \$11.95/meal. FMC Market submitted a price quotation of \$13.50/meal and Carmine's Deli submitted a price quotation of \$17.95/meal.

The public purpose of this amendment to the Agreement is to ensure the continuity and productivity of the Emergency Operations Center ("EOC") and other County locations during the COVID-19 emergency.

The goals and objectives of this amendment to the Agreement are to provide catering and food delivery services to county personnel participating in emergency response activities.

The Department shall monitor contract compliance and performance through careful review of all invoices.

Accordingly, your favorable action on the annexed Resolution is most respectfully urged and recommended.

JMC/LL/jpg
Attachment

RESOLUTION

Upon a communication from the Commissioner of Emergency Services be it hereby

RESOLVED, that the County of Westchester is hereby authorized to amend an agreement with Westchester Catering, LLC for the provision of catering and food delivery services for the Westchester County Department of Emergency Services for the period from April 15, 2019 through April 14, 2020 for a contract amount not-to-exceed \$20,000 (the "Agreement"), by: 1) extending the term thereof from April 15, 2020 through September 30, 2020; 2) increasing the total amount not-to-exceed thereunder by an additional \$50,000.00, from an amount not-to-exceed \$20,000.00 to a new amount not-to-exceed \$70,000.00; and 3) expanding the locations to be served by Westchester Catering, LLC to include any and all County locations that are preparing for and responding to the COVID-19 emergency; and be it further

RESOLVED, that except as specifically amended hereby, all other 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 be, and hereby is, authorized to take such action and execute such documents as may be necessary and proper to effect the purposes hereof.

Original Agreement \$20,000
This Amendment **\$50,000**
 TOTAL \$70,000

Account to be
 Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars
101	20	1000	4998-01		\$50,000

Budget Funding Year(s) 2019-2020 Start Date 4/15/19 End Date 9/30/2020
 (must match resolution)

Funding Source Tax Dollars \$50,000
 State Aid _____
\$ 50,000 Federal Aid _____
 (must match resolution) Other _____