



Department of Emergency Services

Memorandum

#77061

DATE: May 28, 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 JLJK Food and Beverage, LLC d/b/a Briarcliff Baking Company (“Briarcliff Baking Company”) for the provision of catering and food delivery services for the Westchester County Department of Emergency Services at its Emergency Operations Center (“EOC”), by increasing the total amount not-to-exceed thereunder by an additional \$50,000.00, from \$20,000.00 to \$70,000.00.**

On or about March 27, 2020, the County of Westchester (the “County”), acting by and through its Department of Emergency Services (“DES”), entered into a “short form” agreement with Briarcliff Baking Company (the “Agreement”) pursuant to which Briarcliff Baking Company agreed to furnish catering and food delivery services on an “as needed” basis for the County’s Emergency Operations Center COVID-19 response activation, and for any other EOC activations or related events, for a term commencing on April 1, 2020 and continuing through March 31, 2021 for an amount not-to-exceed \$20,000.00, payable at approved rates.

Due to the ongoing activity at the County’s EOC and other COVID-19 response locations, the demand for meal services is extensive. As a consequence, the current not-to-exceed cap of \$20,000.00 is nearly depleted and additional funding will be needed to pay the vendor for services rendered going forward. Accordingly, DES is now seeking to increase the not-to-exceed cap under the Agreement by an additional \$50,000.00.

As your Honorable Board is aware, amendments to short form contracts that increase the not-to-exceed amount beyond the \$35,000.00 monetary threshold and/or extend such contracts beyond a term of one (1) year, must first be approved by your Honorable Board. Since the proposed funding increase would bring the not-to-exceed cap up to \$70,000.00, the authority of your Honorable Board is now required. Accordingly, authority is respectfully requested to amend the Agreement with Briarcliff Baking Company in order to 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.

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

It should be noted that this amendment will be funded with Federal funds received under the CARES Act. Section 13 of the Westchester County Procurement Policy specifies that each procurement that is funded, in whole or in part, by federal funds shall be made in accordance with any and all applicable federal laws, regulations, rules, guidance, instructions, or grant terms. To the extent that it is applicable, the procurement that is the subject of this First Amendment complies with 2 C.F.R. 200.320(f)(2), which allows for non-competitive procurement when “[t]he public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation”, based on the emergency that currently exists with regard to COVID-19 and the related urgent need for catering services for personnel working at the EOC.

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 JLJK Food and Beverage, LLC d/b/a Briarcliff Baking Company (“Briarcliff Baking Company”) for the provision of catering and food delivery services for the Westchester County Department of Emergency Services for the period from April 1, 2020 through March 31, 2021 for a contract amount not-to-exceed \$20,000 (the “Agreement”), by 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 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) 2020-2021                      Start Date 4/01/20                      End Date 3/31/21  
 (must match resolution)

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

APPROVED BOARD OF ACQUISITION CONTRACT # 03/04/2020 - JLM/KAS SECRETARY