



George Latimer
County Executive

Department of Social Services

Kevin M. McGuire
Commissioner

78382

DATE: August 3, 2020

TO: Board of Acquisition and Contract

FROM: Kevin M. McGuire
Commissioner, Department of Social Services

SUBJECT: Authority to amend an agreement with The Young Women’s Christian Association of Yonkers, pursuant to which it was to provide services to provide and operate an emergency overnight shelter at 68 Palisade Avenue in the city of Yonkers, for single male individuals, by, a.) extending its term by six (6) months, to a new expiration date of December 31, 2020, and b.) increasing its not-to-exceed amount by \$903,456.00, in order to pay for services during the extended term.

By a resolution approved on June 27, 2019, your Honorable Board authorized the County of Westchester (the “County”) to enter into an agreement (the “Original Agreement”) with The Young Women’s Christian Association of Yonkers (the “YWCA of Yonkers”), pursuant to which the YWCA of Yonkers is to provide services to provide and operate an emergency overnight shelter at 68 Palisade Avenue in the city of Yonkers, for single male individuals, with said shelter also providing daytime services on all ‘code blue’ days specified by New York State; in other such circumstances when 24-hour shelter must, pursuant to law, be provided; and on any other days as directed by the County and/or New York State, (the “Services”) for the period from June 30, 2019 through September 30, 2019, for the following not-to-exceed amounts, each of which is to be payable pursuant to an approved budget:

TOTAL	OVERNIGHT 9:00 PM – 9:00 AM ET	DAYTIME 9:00 AM – 9:00 PM ET
\$411,604.00	\$330,865.00	\$80,739.00

The Original Agreement was subsequently executed.

By a resolution approved on July 3, 2019, your Honorable Board authorized the County to amend the Original Agreement by adding a provision to allow the County to advance the YWCA of Yonkers up to twenty-five percent (25%) of the above-stated total not-to-exceed amount (the “First Amendment”). The First Amendment was subsequently executed.

By a resolution approved on October 17, 2019, your Honorable Board authorized the County to amend the Original Agreement, as amended by the First Amendment, by (the “Second Amendment”), a.) extending its term by three (3) months, to a new expiration date of December 31, 2019, and b.) increasing its total not-to-exceed amount by \$411,604.00, to a new total not-to-exceed amount of \$823,208.00, in order to pay for services during the extended term, with said increase consisting of the following not-to-exceed amounts for specific aspects of the Services during the extended term, which shall be payable pursuant to an approved budget:

TOTAL	OVERNIGHT 9:00 PM – 9:00 AM ET	DAYTIME 9:00 AM – 9:00 PM ET
\$411,604.00	\$330,865.00	\$80,739.00

The Second Amendment was subsequently executed. However, it should be noted that the overnight portion of the Services for the extended term ultimately had a budget of \$303,367.00, rather than \$330,865.00. Accordingly, the total not-to-exceed amount of the Original Agreement, as amended by the First Amendment and the Second Amendment, was \$795,710.00, rather than \$823,208.00.

By a resolution approved on February 27, 2020, your Honorable Board authorized the County to amend the Original Agreement, as amended by the First Amendment and the Second Amendment, by (the “Third Amendment”), a.) extending its term by three (3) months, to a new expiration date of March 31, 2020, b.) modifying its scope of services to add services to transport additional persons, beyond the capacity of 68 Palisade Avenue, to space at Operations Drive in Valhalla and operate an emergency overnight shelter at that location as needed, and provide daytime shelter services for such additional persons at that location or 68 Palisade Avenue when required, (the “Overflow Services”) effective November 12, 2019, and c.) increasing its total not-to-exceed amount by \$487,646.00, to a new total not-to-exceed amount of \$1,283,356.00, in order to pay for the Services during the extended term and pay for the Overflow Services for the period from November 12, 2019 through the extended term, with said increase consisting of the following not-to-exceed amounts for the Services and the Overflow Services, as specified below, which shall be payable pursuant to an approved budget:

	SERVICES & OVERFLOW SERVICES 1/1/20 – 3/31/20 (9:00 PM – 9:00 AM ET) OVERNIGHT	SERVICES & OVERFLOW SERVICES 1/1/20 – 3/31/20 (9:00 AM – 9:00 PM ET) DAYTIME	OVERFLOW SERVICES 11/12/19 – 12/31/19
TOTAL	\$487,646.00	\$397,379.00	\$54,348.00
			\$35,919.00

The Third Amendment was subsequently executed.

By a resolution approved on March 19, 2020, your Honorable Board authorized the County to amend the Original Agreement, as amended by the First Amendment, the Second Amendment, and the Third Amendment, by (the “Fourth Amendment”), a.) extending its term by three (3) months, to a new expiration date of June 30, 2020, and b.) increasing its total not-to-exceed amount by \$451,727.00, to a new total not-to-exceed amount of \$1,735,083.00, in order to pay for the Services and the Overflow Services during the extended term, with said increase consisting of the following not-to-exceed amounts for the Services and the Overflow Services, as specified below, which shall be payable pursuant to an approved budget:

APPROVED BOARD OF ACQUISITION & CONTRACT ADMINISTRATION
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	SERVICES 4/1/20 – 6/30/20 (9:00 PM – 9:00 AM ET) OVERNIGHT	SERVICES 4/1/20 – 6/30/20 (9:00 AM – 9:00 PM ET) DAYTIME	OVERFLOW SERVICES 4/1/20 – 6/30/20
TOTAL	\$451,727.00	\$290,087.00	\$107,292.00
			\$54,348.00

The Fourth Amendment was subsequently executed.

As noted in the previous resolutions regarding this matter, the Original Agreement, and the subsequent amendments, have been unexpected, necessary stop-gap measures, to provide necessary space and services until the facility at 10 Saint Casimir would be ready for use. However, due to continuing circumstances, the space at 10 Saint Casimir Avenue remains unavailable. Accordingly, in order to ensure that the County has the necessary emergency overnight shelter capacity in the city of Yonkers in the meantime, the County is seeking to continue to receive the Services in the space at 68 Palisade Avenue for an additional period, as well as receive, a.) the Overflow Services on an as-needed basis during that period, and b.) certain, limited meal services related to, and as part of, the Services (the “Meal Services”).

Accordingly, the County respectfully requests authority from your Honorable Board to amend the Agreement by (the “Fifth Amendment”), a.) extending its term by six (6) months, to a new expiration date of December 31, 2020, and b.) increasing its total not-to-exceed amount by \$903,456.00, to a new total not-to-exceed amount of \$2,638,539.00, in order to pay for the Services, including the Meal Services, and the Overflow Services during the extended term, with said increase consisting of the following not-to-exceed amounts for the Services and the Overflow Services, as specified below, which shall be payable pursuant to an approved budget:

	SERVICES (Overnight & Daytime) 7/1/20 – 12/31/20	OVERFLOW SERVICES 7/1/20 – 12/31/20
TOTAL	\$903,456.00	\$794,761.00
		\$108,695.00

Except as described above, all terms and conditions of the Original Agreement, as amended by the First Amendment, the Second Amendment, the Third Amendment, and the Fourth Amendment (the “Agreement”) shall remain in full force and effect.

The proposed Fifth Amendment will serve a public purpose by enabling the County to provide a safe, supervised place to sleep at night for homeless individuals who are outside the County’s shelter system and might otherwise be forced to sleep in public places. The proposed Fifth Amendment will also serve a public purposes by enabling the County to provide a safe, warm place for homeless individuals during the daytime as required, such as when New York State specifies a ‘code blue’ day.

The goal and objective of the proposed Fifth Amendment is to enable the County to both provide a safe, supervised place to sleep at night for homeless individuals who are outside the County’s shelter system and might otherwise be forced to sleep in public places, and provide a safe, warm place for homeless individuals during the daytime as required, such as when New York State specifies a ‘code blue’ day.

The goal and objective of the proposed Fifth Amendment is in the best interests of the County in terms of health and safety, as enabling the County to both provide a safe, supervised place to sleep at night for homeless individuals who are outside the County's shelter system and might otherwise be forced to sleep in public places, and provide a safe, warm place for homeless individuals during the daytime as required, such as when New York State specifies a 'code blue' day, will ultimately help ensure the health and safety of such persons.

The goal and objective of the proposed Fifth Amendment will be tracked and monitored by the staff of the Department of Social Services.

The proposed Fifth Amendment is exempt from the requirements of the Westchester County Procurement Policy pursuant to Section 3(a)(xiv) thereof.

I respectfully recommend the adoption of the attached resolution.

KMM/DK/bdm/nn

APPROVED BOARD OF ACQUISITION & CONTRACTS 08/16/2020 - LISI MARIJAS SECRETARY

RESOLUTION

Upon a communication from the Commissioner of Social Services, be it hereby:

RESOLVED, that the County of Westchester (the “County”) is hereby authorized to amend an agreement with The Young Women’s Christian Association of Yonkers (the “YWCA of Yonkers”), pursuant to which the YWCA of Yonkers was to provide services to provide and operate an emergency overnight shelter at 68 Palisade Avenue in the city of Yonkers, for single male individuals, with said shelter also providing daytime services on all ‘code blue’ days specified by New York State; in other such circumstances when 24-hour shelter must, pursuant to law, be provided; and on any other days as directed by the County and/or New York State, (the “Services”) for the period from June 30, 2019 through June 30, 2020, as well as provide services to transport additional persons, beyond the capacity of 68 Palisade Avenue, to space at Operations Drive in Valhalla and operate an emergency overnight shelter at that location as needed, and provide daytime shelter services for such additional persons at that location or 68 Palisade Avenue when required (the “Overflow Services”) for the period from November 12, 2019 through June 30, 2020, for a total amount not-to-exceed \$1,735,083.00 for the Services and the Overflow Services, (the “Agreement”) by, a.) extending its term by six (6) months, to a new expiration date of December 31, 2020, and b.) increasing its total not-to-exceed amount by \$903,456.00, to a new total not-to-exceed amount of \$2,638,539.00, in order to pay for the Services, including certain, limited meal services related to, and part of, the Services (the “Meal Services”), and the Overflow Services during the extended term, with said increase consisting of the following not-to-exceed amounts for the Services, including the Meal Services, and the Overflow Services, as specified below, which shall be payable pursuant to an approved budget:

	SERVICES (Overnight & Daytime)	OVERFLOW SERVICES
<u>TOTAL</u>	<u>7/1/20 – 12/31/20</u>	<u>7/1/20 – 12/31/20</u>
\$903,456.00	\$794,761.00	\$108,695.00

; and be it further

RESOLVED, that except as hereby authorized to be amended, all 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 is hereby authorized to execute any documents and take any actions reasonably necessary and appropriate to effectuate the purposes of this Resolution.

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
101	22	8900	5860		\$903,456.00

Budget Funding Year(s): 2020 Start Date: 07/01/20 End Date: 12/31/20
 (must match resolution)

Funding Source
\$903,456.00
 (must match resolution)

Tax Dollars: 71%
 State Aid: 29%
 Federal Aid: 0%
 Other: _____

APPROVED BOARD OF ACQUISITION & CONTRACT 08/13/2020 - LISA MRIJAS SECRETARY