



George Latimer
County Executive

Department of Social Services

Kevin M. McGuire
Commissioner

[80298]

DATE: October 16, 2020

TO: Board of Acquisition and Contract

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

RE: Authority to (1.) amend an agreement with New York State Industries for the Disabled, Inc., pursuant to which it was to provide temporary office personnel for the Department of Social Services for various job descriptions at locations throughout Westchester County, in order to increase its not-to-exceed amount by \$200,000.00 for services during the first option term of the agreement, from January 1, 2020 through December 31, 2020, and 2.) exercise the County's second option under the same agreement.

By a resolution approved on January 3, 2019, your Honorable Board authorized the County of Westchester (the "County"), acting by and through its Department of Social Services ("DSS"), to enter into an agreement (the "Original Agreement") with New York State Industries for the Disabled, Inc. ("NYSID"), pursuant to which NYSID was to provide temporary office personnel for the Department of Social Services for various job descriptions at locations throughout Westchester County (the "Services"), for a term commencing on January 1, 2019 and continuing through December 31, 2019 (the "Initial Term"), with the County having the sole option to extend the term by up to two (2) additional one (1) year periods thereafter (the "Option Terms"). Under the Original Agreement, NYSID was to be paid an initial total amount not-to-exceed \$200,000.00 during the Initial Term and an initial not-to-exceed amount of \$200,000.00 for each of the Option Terms. Under the Original Agreement, NYSID was authorized to utilize Goodwill Industries of Greater New York and Northern New Jersey, Inc., a NYSID member preferred source agency serving disabled persons that does business as GoodTemps, ("GoodTemps") for all of the Services to be provided under the Original Agreement. The Original Agreement was subsequently executed.

By a resolution approved on December 19, 2019, your Honorable Board authorized the

County to exercise its first one-year option under the Original Agreement and amend the Original Agreement by, 1.) extending the term thereof by one (1) year, to a new termination date of December 31, 2020; 2.) increasing the not-to-exceed amount of the Original Agreement by \$200,000.00, to a new total not-to-exceed amount of \$400,000.00, to pay for the Services during the first Option Term; and 3.) reflecting the fact that the County would have one (1) remaining one (1) year option under the Original Agreement, as amended (the "First Amendment").

During the procurement process for the Services, which the County conducted pursuant to New York State Finance Law §162 ("State Finance Law §162"), the County specified that the initial not-to-exceed amount for a given period of the resulting agreement could be increased by the County, subject to all necessary consents and the County's receipt of all necessary legal approvals, based upon the County's need for the Services.

Accordingly, under the Original Agreement, as amended by the First Amendment, (the "Agreement"), the County and NYSID expressly acknowledged that the County might find, during the term of the Agreement, that the total cost of the required Services might exceed the not-to-exceed amount for a given period of the Agreement. Under the Agreement, the County and NYSID agreed that, in such a case, the initial not-to-exceed amounts for the various periods of the Agreement could be amended and thereby increased, based upon the County's needs, subject to the County's receipt of all necessary legal approvals.

DSS has had greater needs for the Services than originally anticipated, due to both the response to COVID-19 and recent retirements and resignations. DSS has determined that, due to the costs associated with said greater need for the Services, its costs for the Services under the Agreement will exceed the previously-authorized not-to-exceed amount of \$200,000.00 for the first Option Term.

DSS will also continue to require the Services in 2021. In accordance with State Finance Law §162, the procurement of certain commodities and services is exempted from competitive procurement provisions and the County is required to give designated preferred sources an opportunity to provide those commodities or services. Among the services subject to this exemption is the Services, for which NYSID is the only preferred source. Accordingly, in order to obtain the Services in 2021, the County can now only either, a.) exercise its second one-year option under the Agreement, or b.) conduct a new preferred-source procurement for such future services in which, in accordance with State Finance Law §162 as noted above, only NYSID can initially be solicited.

Therefore, in light of all of the foregoing, the County respectfully requests authority from your Honorable Board to, 1.) amend the Agreement by increasing the not-to-exceed amount for the first Option Term by \$200,000.00, such that the not-to-exceed amount for the Services provided during the first Option Term of January 1, 2020 through December 31, 2020 shall be increased to \$400,000.00, and 2.) exercise its second one-year option under the Agreement and amend the Agreement by, a.) extending the term thereof by one (1) year, to a new termination date of December 31, 2021; b.) increasing the not-to-exceed amount of the Agreement by \$200,000.00, to pay for the Services during the second Option Term; and c.) reflecting the fact that the County will not have any remaining options under the Agreement, thereby, in sum,

increasing the total not-to-exceed amount for the Agreement by \$400,000.00, to a new total amount not-to-exceed \$800,000.00, all of which shall be payable as specified in the Agreement (the "Second Amendment").

Except as specifically described above, all terms and conditions of the Agreement shall remain in full force and effect.

The proposed Second Amendment will serve a public purpose by ensuring that DSS can receive and pay for the temporary office personnel it needs in order to perform various departmental functions.

The goal and objective of the proposed Second Amendment is to ensure that DSS can receive and pay for the temporary office personnel it needs in order to perform various departmental functions.

The goal and objective of the proposed Second Amendment is in the best interests of the County in terms of ensuring the public welfare, as ensuring that DSS can receive and pay for the temporary office personnel it needs in order to perform various departmental functions will facilitate DSS acting to ensure the welfare of the public.

The goal and objective of the proposed Second Amendment will be tracked and monitored by the staff of DSS.

I respectfully recommend approval of the attached resolution.

KMM/VR/bcm/mn

APPROVED BOARD OF ACQUISITION & CONTRACT - 1/12/2020 - LISA 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, 1.) amend its agreement with New York State Industries for the Disabled, Inc. ("NYSID"), pursuant to which NYSID was to provide temporary office personnel for the Department of Social Services for various job descriptions at locations throughout Westchester County (the "Services"), for a term commencing on January 1, 2019 and continuing through December 31, 2020 (the "Current Term"), for a total amount not-to-exceed \$400,000.00 during the Current Term, including an amount not-to-exceed \$200,000.00 for the period of the County's first option term of January 1, 2020 through December 31, 2020 (the "First Option Term"), (the "Agreement") by increasing the not-to-exceed amount for the First Option Term by \$200,000.00, such that the not-to-exceed amount for the Services provided during the First Option Term shall be increased to \$400,000.00, and 2.) exercise its second one-year option under the Agreement and amend the Agreement by, a.) extending the term thereof by one (1) year, to a new termination date of December 31, 2021; b.) increasing the not-to-exceed amount of the Agreement by \$200,000.00, to pay for the Services during the second Option Term; and c.) reflecting the fact that the County will not have any remaining options under the Agreement, thereby, in sum, increasing the total not-to-exceed amount for the Agreement by \$400,000.00, to a new total amount not-to-exceed \$800,000.00, all of which shall be payable as specified in the Agreement (the "Second Amendment"); and be it further

RESOLVED, that except as specifically 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.

Original Amount \$200,000
 Amendment 1 \$200,000
 This Amendment \$400,000
 New Total: \$800,000

Account to be Charged/Credited

FY	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/Sup Object	Trust Account	Dollars
2020	101	22	1000	4446		\$200,000
2021	101	22	1000	4446		\$200,000

Budget Funding Year(s): 2020-2021 Start Date: 01/01/20 End Date: 12/31/21
 (must match resolution)

Funding Source Tax Dollars: 33% _____
 State Aid: 26% _____
\$400,000.00 Federal Aid: 41% _____
 (must match resolution) Other: _____

APPROVED BOARD OF ACQUISITION & CONTRACT ADMINISTRATION - LISA MARIJAJ, SECRETARY