

George Latimer
County Executive

Department of Probation
Rocco A. Pozzi
Commissioner

80351

DATE: October 21, 2020

TO: Honorable Members
Board of Acquisition and Contract

FROM: Rocco A. Pozzi
Commissioner of Probation

RE: Authorization to retroactively exempt from the Westchester County Procurement Policy (the “Procurement Policy”) the an agreement with The Pre-Trial Services Institute of Westchester, Inc. (“PTSI”) pursuant for the provision of pre-trial programs for a term commencing on January 1, 2020 and expiring on December 31, 2020 for an amount not to exceed \$733,664.

Authority is respectfully requested to retroactively exempt from the Westchester County Procurement Policy, pursuant to section 3(a) xxi thereof, an agreement (the “Agreement”) with The Pre-Trial Services Institute of Westchester, Inc. (“PTSI”) pursuant for the provision of pre-trial programs for a term commencing on January 1, 2020 and expiring on December 31, 2020 for an amount not to exceed \$733,664.

For over four decades, PTSI has provided pre-trial programs to evaluate criminal defendants (“Defendants”) for potential pre-trial release from prison and to ensure the return of defendants for future court appearances through PTSI’s structured follow-up program during the pre-trial release period. The County’s previous agreement with PTSI expired on December 31, 2019. By a separate resolution submitted to your Honorable Board on even date herewith, the County respectfully requests authority to retroactively enter into a new agreement with The Pre-Trial Services Institute of Westchester, Inc. (“PTSI”) pursuant for the provision of pre-trial programs for a term commencing on January 1, 2020 and expiring on December 31, 2020 for an amount not to exceed \$733,664.

Ordinarily, under Section 6 of the Procurement Policy, for any agreement reasonable expected to cost \$75,000 or more, the County is required to solicit proposals through a request for proposals (“RFP”).

Administrative Office

111 Dr. Martin Luther King Jr. Boulevard, 6th floor
White Plains, New York 10601

Telephone: (914)995-3500 Fax: (914) 995-6261 www.westchestergov.com/probation



In light of the seismic shift in pre-trial procedures as a result of the Bail Elimination Act of 2019, the scope and nature of the work of a pre-trial services agency in 2020 could not reasonably be determined in time to prepare an RFP that would meet the needs and expectations created by the new legislation. As such, it would have been imprudent to engage in the RFP process given such uncertainty. For example, it was understood that pre-trial services agencies' responsibility would be expanded to include court notifications of each and every court date for all criminal defendants, including all non-bail eligible defendants. In Westchester, that would have meant notifications to approximately 28,000 individuals whose cases typically require multiple court appearances before disposition, causing a substantial shift in the focus and volume of pre-trial work. Late in 2019, however, the Office of Court Administration announced that it would assume that function. Due, therefore, to the uncertainty in the law's implementation and during this important period of transition, the best interests of the county are best served by continuing the relationship with PTSI as the provider of pre-trial services in 2020.

Pursuant to Section 3(a)xxi, the Westchester County Procurement Policy and Procedures are not applicable to any procurement for which this Honorable Board determines, by resolution passed prior to commencing such procurement, that compliance with the policy would not be in the best interests of the County. For the reasons set forth above, it is proposed that the best interests of the County would be served by exempting the Agreement from the County Procurement Policy.

For the reasons set forth above, it is proposed that the best interests of the County would be served by exempting the procurement of the proposed Agreement from the application of the Procurement Policy as it is neither cost effective nor expedient, and not in the best interests of the County in connection the proposed Agreement with PTSI. Accordingly, a Resolution to exempt the procurement of the Agreement with PTSI is hereby submitted for your Honorable Board's consideration.

I respectfully recommend approval of the attached Resolution.

RAP/SXP/DJ/jrc

R E S O L U T I O N

Upon a communication from the Commissioner of Probation, be it hereby

RESOLVED, that pursuant to Section 3(a)xxi of the Westchester County Procurement Policy and Procedures, it is hereby determined that application of the procedural requirements contained therein, including the necessity of soliciting proposals through a request for proposals, is neither cost effective nor expedient, and accordingly, not in the best interests of the County of Westchester (“County”) in connection with an agreement with The Pre-Trial Services Institute of Westchester, Inc.