



George Latimer  
County Executive

Department of Social Services

Leonard G. Townes  
Commissioner

**85120**

DATE: May 17, 2021

TO: Board of Acquisition and Contract

FROM: Leonard G. Townes  
Commissioner, Department of Social Services

SUBJECT: Authority to amend an agreement with Interfaith Council for Action, Inc., pursuant to which it was to provide a specified zone with an Emergency Housing Assistance Program, by, 1.) modifying its scope of services to require fewer emergency housing units, 2.) decreasing its specified annual not-to-exceed amount for the current term, to account for the reduced costs associated with the reduction in the number of units to be provided, and 3.) modifying its specified budget for the current term to reflect the reduced costs for the services.

By resolutions approved on January 26, 2017 and March 2, 2017 your Honorable Board authorized the County of Westchester (the "County"), acting by and through its Department of Social Services ("DSS"), to, among other things, enter into an agreement (the "Original Agreement") with Interfaith Council for Action, Inc. ("IFCA"), pursuant to which IFCA was to provide the Peekskill City School District and Hendrick Hudson Central School District zone (the "Zone") with an 'Emergency Housing Assistance Program,' consisting of the provision of emergency housing units and related housing service to customers deemed eligible for temporary housing assistance by DSS, for an amount not-to-exceed \$527,392.00, for the period from January 1, 2017 through December 31, 2017 (the "Initial Term"), with the County having the sole option to extend the term for up to four (4) additional one (1) year periods (each an "Option Term").

Under the Original Agreement, each Option Term was to be for the respective not-to-exceed amount specified below and otherwise on the same terms as the Initial Term of the Original Agreement:

<u>Term</u>	<u>Not-To-Exceed Amount</u>
1.) Option Term #1 (1/1/18 - 12/31/18)	\$526,694.00

2.) Option Term #2 (1/1/19 - 12/31/19)	\$540,786.00
3.) Option Term #3 (1/1/20 - 12/31/20)	\$548,688.00
4.) Option Term #4 (1/1/21 - 12/31/21)	\$564,320.00

The Original Agreement was subsequently executed.

By a resolution approved on March 8, 2018, your Honorable Board authorized the County to, among other things, exercise its first one-year option under the Original Agreement and therefore amend the agreement by, 1.) extending its term by one (1) year, to a new termination date of December 31, 2018; 2.) increasing its not-to-exceed amount by \$526,694.00, to a new total amount not to exceed \$1,054,086.00, to pay for services during the first Option Term, which amount would be payable as specified in the agreement for the first Option Term; and 3.) reflecting the fact that the County would have three (3) remaining one (1) year options under the Original Agreement (the "First Amendment"). The First Amendment was subsequently executed.

By a resolution approved on August 30, 2018, your Honorable Board authorized the County to amend the Original Agreement, as amended, in accordance with the existing terms of the Original Agreement, as amended, regarding changing capacity requirements of the County for the applicable Zone during the term of the agreement, (the "Second Amendment") by, 1.) modifying the agreement's scope of services to require six (6) additional emergency housing units in the Zone, all of which would be in the Peekskill School District part of the Zone, 2.) increasing the agreement's specified annual not-to-exceed amounts, as specified below, to account for the costs of these additional services during the remaining portion of the first Option Term and during the future Option Terms provided for under the agreement, and 3.) modifying the agreement's specified annual budgets to account for and specify the costs of these additional services:

Term	Original Amount		New Amount
	Not-To-Exceed	Increase	Not-To-Exceed
1.) Option Term #1 (1/1/18 - 12/31/18)	\$526,694.00	\$142,281.00	\$668,975.00
2.) Option Term #2 (1/1/19 - 12/31/19)	\$540,786.00	\$311,953.00	\$852,739.00
3.) Option Term #3 (1/1/20 - 12/31/20)	\$548,688.00	\$332,310.00	\$880,998.00
4.) Option Term #4 (1/1/21 - 12/31/21)	\$564,320.00	\$342,633.00	\$906,953.00

The Second Amendment was subsequently executed.

By a resolution approved on December 13, 2018, your Honorable Board authorized the County to, among other things, exercise its second one-year option under the Original Agreement, as amended, and therefore amend the agreement by, 1.) extending its term by one (1) year, to a new termination date of December 31, 2019; 2.) increasing its not-to-exceed amount by \$852,739.00, to a new total amount not to exceed \$2,049,106.00, to pay for services during the second Option Term, which amount would be payable as specified in the agreement for the second Option Term; and 3.) reflecting the fact that the County would have two (2) remaining one (1) year options under the agreement (the "Third Amendment"). The Third Amendment was subsequently executed.

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

County to, among other things, exercise its third one-year option under the Original Agreement, as amended, and therefore amend the agreement by, 1.) extending its term by one (1) year, to a new termination date of December 31, 2020; 2.) increasing its not-to-exceed amount by \$880,998.00, to a new total amount not to exceed \$2,930,104.00, to pay for services during the third Option Term, which amount would be payable as specified in the agreement for the third Option Term; and 3.) reflecting the fact that the County would have one (1) remaining one (1) year option under the agreement (the "Fourth Amendment"). The Fourth Amendment was subsequently executed.

By a resolution approved on December 23, 2020, your Honorable Board authorized the County to, among other things, exercise its fourth one-year option under the Original Agreement, as amended, and therefore amend the agreement by, 1.) extending its term by one (1) year, to a new termination date of December 31, 2021; 2.) increasing its not-to-exceed amount by \$906,953.00, to a new total amount not to exceed \$3,837,057.00, to pay for services during the fourth Option Term, which amount would be payable as specified in the agreement for the fourth Option Term; and 3.) reflecting the fact that the County would not have any options remaining under the agreement (the "Fifth Amendment"). The Fifth Amendment was subsequently executed.

The Original Agreement, as amended, (the "Current Agreement") along with other agreements for other Zones, was procured via a request for proposals that was issued by DSS on October 26, 2016 (the "RFP"). The RFP provided the following explanation regarding the number of units required for each of the Zones addressed in the RFP:

"It is possible that the number of required Units will not vary during the term of any agreement(s) resulting from this RFP, and that the selected proposer(s) will therefore provide, for the full term of the agreement(s), the number of Units for each Zone as specified above.

However, the County may find, during the term of any agreement(s) resulting from this RFP, that it requires more or fewer Units in each Zone. Accordingly, the selected proposer(s) will be required to provide more or fewer Units in each Zone as necessary and as directed by WCDSS.

In the event WCDSS directs a selected proposer to decrease the number of Units it is providing, the selected proposer will submit to WCDSS a revised budget, reflecting the elimination of the direct costs associated with the Units that are no longer to be provided, and eliminate those Units' pro rata share all indirect costs.

In the event WCDSS directs a selected proposer to increase the number of Units it is providing, the selected proposer will submit to WCDSS a revised budget, reflecting the addition of the direct costs associated with the additional Units that are to be provided,

and add those Units' pro rata share to all indirect costs.

If more Units are required, the selected proposer(s) will be required to make the required additional Units available for occupancy within ten (10) business days of receiving notice from the County.

If fewer Units are required, the selected proposer(s) will be required to cease charging the County, and the selected proposer(s) will not be reimbursed for, the costs associated with such Unit(s) that are incurred by the selected proposer(s) more than forty-five (45) days after notice is given to the selected proposer(s) regarding the County's reduced need."

The Current Agreement incorporates the terms of the RFP by reference and also contains language making the same provisions, specifying, in part, that "the County may find, during the term of the Agreement, that it requires more or fewer Units in the Zone" and that "[a]ccordingly, the Contractor will be required to provide more or fewer Units in the Zone as necessary and as directed by WCDSS", in accordance with terms and procedures specified in the Current Agreement.

The Original Agreement specified that IFCA was to provide fifteen (15) units in the Zone, consisting of ten (10) units in the Peekskill School District and five (5) units in the Hendrick Hudson Central School District. As noted above, via the Second Amendment, the agreement's scope of services was modified to require six (6) additional units in the Zone, all of which were to be in the Peekskill School District. With that modification, IFCA was to provide, under the Current Agreement, a total of twenty-one (21) units in the Zone, consisting of sixteen (16) units in the Peekskill School District and five (5) units in the Hendrick Hudson Central School District.

DSS determined that it requires fewer units in the Zone than currently provided for under the Current Agreement. Specifically, DSS determined that it no longer requires the six (6) additional units in the Zone, for the Peekskill School District, that were added to the scope of work via the Second Amendment. Accordingly, DSS informed IFCA of this finding and IFCA has acted to comply with its obligations under the Current Agreement.

In order to ensure that the Current Agreement specifies the currently-required 'Emergency Housing Assistance Program' services and reflects the costs associated with those services, so that the County can make appropriate payments based on updated budgets, authority is respectfully requested from your Honorable Board for the County to, 1.) modify the Current Agreement's scope of services to require six (6) fewer 'emergency housing units' in the Zone, all of which will be removed from the quantity to be provided in the Peekskill School District, 2.) decrease the Current Agreement's specified annual not-to-exceed amount for the fourth Option Term by \$342,633.00, to a new not-to-exceed amount of \$564,320.00, and thereby reduce the total not-to-exceed amount of the Current Agreement to \$3,494,424.00, based upon the reduction in costs associated with the elimination of those six (6) units for the fourth Option Term, and 3.)

modify its specified budget for the fourth option term to reflect the reflect the reduced costs for the services to be provided (the “Sixth Amendment”).

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

The proposed Sixth Amendment will serve a public purpose by ensuring that the County is not receiving, and paying for, more units than it requires for the Zone for customers deemed eligible for temporary housing assistance by DSS.

The goal and objective of the proposed Sixth Amendment is to ensure that the County is not receiving, and paying for, more units than it requires for the Zone for customers deemed eligible for temporary housing assistance by DSS.

The goal and objective of the proposed Sixth Amendment is in the best interests of the County in terms of fiscal responsibility, as it will ensure that the County is not paying for more units than it requires for the Zone for customers deemed eligible for temporary housing assistance by DSS.

The goals and objectives of the proposed Sixth Amendment will be tracked and monitored by the staff of DSS.

I respectfully recommend the adoption of the attached resolution.

LGT/JE/bdm/nn

APPROVED BOARD OF ACQUISITION & CONTRACT - 06/10/2021 - LISAPRIJAJ, SECRETARY

## RESOLUTION

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

**RESOLVED**, that the County of Westchester (the "County"), acting by and through its Department of Social Services ("DSS"), is hereby authorized to amend its agreement with Interfaith Council for Action, Inc. ("IFCA"), pursuant to which IFCA was to provide the Peekskill City School District and Hendrick Hudson Central School District zone (the "Zone") with an 'Emergency Housing Assistance Program,' consisting of the provision of emergency housing units and related housing service to customers deemed eligible for temporary housing assistance by DSS, for an amount not-to-exceed \$3,837,057.00, for the period from January 1, 2017 through December 31, 2021, based upon the County, among other things, having exercised each of its original four one-year options terms after the initial one-year term, (the "Current Agreement") by, 1.) modifying the Current Agreement's scope of services to require six (6) fewer emergency housing units in the Zone, all of which will be removed from the quantity to be provided in the Peekskill School District, 2.) decrease the Current Agreement's specified annual not-to-exceed amount for the fourth Option Term, which is for the 2021 calendar year, by \$342,633.00, to a new not-to-exceed amount of \$564,320.00, and thereby reduce the total not-to-exceed amount of the Current Agreement to \$3,494,424.00, based upon the reduction in costs associated with the elimination of those six (6) Units for the fourth option term, and 3.) modify its specified budget for the fourth option term to reflect the reduced costs for the services to be provided; and be it further

**RESOLVED**, that except as specifically hereby authorized to be amended, all terms and conditions of the Current 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.

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Account to be  
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
101	22	8900	5850		\$213,169
101	22	8900	5860		-\$129,464

Budget Funding Year(s) 2021  
(must match resolution)

Start Date: 1/01/21 End Date: 12/31/21

Funding Source

**-\$342,633**  
(must match resolution)

	<u>5850</u>	<u>5860</u>
Tax Dollars:	1%	71%
State Aid:	0%	29%
Federal Aid:	99%	0%
Other:	0%	0%

APPROVED BOARD OF ACQUISITION & CONTRACTS 06/10/2021 - LISA MARIJA SECRETARY