

George Latimer  
County Executive

Department of Social Services

Leonard G. Townes  
Commissioner

**93136**

DATE: May 5, 2022

TO: Board of Acquisition and Contract

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

SUBJECT: Authority for the County of Westchester to:

- 1) retroactively amend a resolution approved on August 9, 2019 which authorized the County of Westchester to enter into a subgrant agreement with STRIVE® International, Inc. in the amount of \$730,000 pursuant to which the County would provide various reentry and workforce development services to youth who are involved with the juvenile justice system and who reside in high poverty and high crime neighborhoods in County under the STRIVE® *Future Leaders Young Adult Initiative Reentry Project* for the program period retroactive to October 1, 2018 through September 30, 2021, in order to reflect: 1) an extension of the term of the subaward agreement through June 30, 2022; and 2) an increase in the not-to-exceed amount authorized thereunder by an additional \$145,873, from an amount not-to-exceed \$730,000 to an amount not-to-exceed \$875,873; and
- 2) retroactively amend an agreement with Westhab, Inc. pursuant to which Westhab, Inc. agreed to administer the STRIVE® *Future Leaders Young Adult Initiative Reentry Project* for the period from January 1, 2019, through August 31, 2021, for a total aggregate amount not to exceed \$635,100.00, payable pursuant to an approved budget, in order to: 1) extend the term of the agreement through June 30, 2022; and 2) increase the not-to-exceed amount authorized thereunder by an additional \$126,800, from an amount not-to-exceed \$635,100.00 to a new total amount not-to-exceed \$761,900.00.

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By resolution approved on August 9, 2019 (the “August 9<sup>th</sup> Resolution”), your Honorable Board authorized the County of Westchester (“County”), acting by and through its Department of Social Services, Office of Workforce Development (the “Department”),

on behalf of the Westchester Putnam Local Workforce Development Board (the "WDB"), to enter into a subaward agreement with STRIVE® to accept a subgrant in the amount of \$730,000 to support and address the educational and employment barriers faced by young adults ages 18-24 currently and previously involved in the juvenile and/or criminal justice system who reside in high-poverty and high-crime neighborhoods in the County under the STRIVE® *Future Leaders Young Adult Initiative Reentry Project* (the "Program") for the program period October 1, 2018, through September 30, 2021 (the "Subaward Agreement"). The Subaward Agreement has not yet been executed.

Funding under the Subaward Agreement is provided under a grant from the U.S. Department of Labor, Employment and Training Administration (the "Grant"). STRIVE® is the prime recipient of the Grant. STRIVE® recently notified the County that an additional \$145,873.00 in Grant funding was allocated toward the Program and that the term of the Subaward Agreement has been extended through June 30, 2022. In order to authorize the new terms, the parties must amend the August 9<sup>th</sup> Resolution. Accordingly, authority is respectfully requested for the County to amend the August 9<sup>th</sup> Resolution which authorized the Subaward Agreement with STRIVE® in order to reflect: 1) an extension of the term of the Subaward Agreement through June 30, 2022; and 2) an increase the not-to-exceed amount authorized thereunder by an additional \$145,873, from an amount not-to-exceed \$730,000 to a new amount not-to-exceed \$875,873.

Except as otherwise specifically amended hereby, all remaining terms and conditions set forth in the August 9<sup>th</sup> Resolution shall remain in full force and effect.

The proposed amendment to the Subaward Agreement with STRIVE® does not constitute a procurement and as such is not subject to the County Procurement Policy.

I certify that my department, a.) has copies of, or access to, all applicable laws, rules, regulations, grant applications, and grant agreements (including any master grant agreement), as well as any guidance or instructions received from the agency making the grant (the "Grant Terms"), b.) has reviewed the Grant Terms, c.) is aware of and understands all of the Grant Terms, and d.) can and will comply with all of the Grant Terms.

Additionally, by resolution approved on September 12, 2019 (the "September 12<sup>th</sup> Resolution"), your Honorable Board authorized the County, acting by and through the Department, on behalf of the WDB, to enter into an agreement with Westhab, Inc. ("Westhab") pursuant to which Westhab would administer the Program for the County for the period from January 1, 2019 through August 31, 2021 (the "Agreement"). The September 12<sup>th</sup> Resolution further provided that in consideration for services rendered, the County would pay Westhab a total aggregate amount not to exceed \$620,500.00, payable pursuant to an approved budget.

Thereafter, by resolution approved on September 19, 2019, your Honorable Board authorized the County to amend the September 12<sup>th</sup> Resolution for the limited purpose of correcting the not-to-exceed amount authorized therein from an amount not-to-exceed \$620,500.00 to an amount not-to-exceed \$635,100.00. The Agreement with Westhab was thereafter subsequently executed.

In light of the additional funding for the Program provided by STRIVE® under the Subaward Agreement, the County and Westhab now desire to retroactively amend the Agreement in order to: 1) extend the term thereof from September 1, 2021 through June 30, 2022; and 2) increase the not-to-exceed amount thereunder by an additional \$126,800, from an amount not-to-exceed \$635,100.00 to a new total amount not-to-exceed \$761,900.00.

Except as otherwise specifically amended hereby, all remaining terms and conditions set forth in the Agreement with Westhab shall remain in full force and effect.

The proposed amendment to the Agreement with Westhab is exempt from the County Procurement Policy pursuant to Section 3 (a) xviii, which exempts “contracts . . . for the prevention of delinquency and youth crime.” In addition, Section 13 of the 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. Specifically, this procurement complies with 2 C.F.R. 200.320(c)(4), which allows for non-competitive procurement when “[t]he Federal awarding agency or pass-through entity expressly authorizes a noncompetitive procurement in response to a written request from the non-Federal entity.” On or about December 21, 2021, the Department made a formal written request to STRIVE® seeking a non-competitive procurement for an amendment to the Agreement with Westhab. By letter from STRIVE® received on or about January 11, 2022, STRIVE® granted the Department’s request.

The Program will serve a **public purpose** by assisting adjudicated and at-risk youth to complete their education and secure and retain sustainable employment.

The **goals and objectives** of the Program are to place eligible youth, from various high crime, high poverty neighborhoods in Westchester County into a program to provide a suite of services centered around STRIVE’s Core Attitudinal and Job Readiness Training.

The **goals and objectives** of the Agreement are in the best interests of the County in terms of fiscal responsibility because the participating youth will receive case management, mentoring and restorative justice services to develop them economically and have a dramatic impact on their communities by reducing the impact on the criminal justice system where several of these youth have been involved.

The **goals and objectives** of the proposed agreement will be tracked and monitored by staff of the Department.

Accordingly, I most respectfully recommend the adoption of the annexed Resolution.

LGT/BF/jpg  
Attachment

## RESOLUTION

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

**RESOLVED**, that the resolution approved on August 9, 2019 (the "August 9<sup>th</sup> Resolution"), which authorized the County of Westchester ("County"), acting by and through its Department of Social Services, Office of Workforce Development (the "Department"), on behalf of the Westchester Putnam Local Workforce Development Board ("WDB"), to retroactively enter into a subgrant agreement with STRIVE® International, Inc ("STRIVE®") in the amount of \$730,000.00 pursuant to which the County would provide various reentry and workforce development services to youth who are involved with the juvenile justice system and who reside in high poverty and high crime neighborhoods in County under the STRIVE® *Future Leaders Young Adult Initiative Reentry Project* (the "Program"), for the program period October 1, 2018 through September 30, 2021 (the "Subaward Agreement"), is hereby amended to reflect: 1) an extension of the term of the Subaward Agreement from October 1, 2021 through June 30, 2022; and 2) an increase in the not-to-exceed amount authorized thereunder by an additional \$145,873, from an amount not-to-exceed \$730,000 to a new amount not-to-exceed \$875,873; and be it further

**RESOLVED**, that the County, acting by and through the Department, on behalf of the WDB, is hereby further authorized to retroactively amend an agreement with Westhab, Inc., pursuant to which Westhab, Inc. agreed to administer the Program for the period from January 1, 2019 through August 31, 2021 for a total aggregate amount not to exceed \$635,100.00, payable pursuant to an approved budget (the "Agreement"), in order to: 1) extend the term of the Agreement from September 1, 2021 through June 30, 2022; and 2) increase the not-to-exceed amount authorized thereunder by an additional \$126,800.00, from an amount not-to-exceed \$635,100.00, to a new total amount not-to-exceed \$761,900.00; and be it further

**RESOLVED**, that except as otherwise specifically amended hereby, all remaining terms and conditions set forth in the August 9<sup>th</sup> Resolution shall remain in full force and effect; and be it further

**RESOLVED**, that except as otherwise specifically amended hereby, all remaining terms and conditions set forth in the Agreement with Westhab, Inc. 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
275	22	476T		T476	\$126,800.00

Budget Funding Year(s): 2019 to 2022 Start Date: 01/01/2019 End Date: 06/30/2022  
(must match resolution)

Funding Source

**\$126,800**

(must match resolution)

Tax Dollars:       

State Aid:       

Federal Aid: 100%

Other       

APPROVED BOARD OF ACQUISITION & CONTRACT - 05/19/2022 - RAYMOND SCUKKY, SECRETARY