



George Latimer
County Executive

Department of Social Services

Leonard G. Townes
Commissioner

[94484]

DATE: June 29, 2022

TO: Board of Acquisition and Contract

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

SUBJECT: Authority for the County to amend its agreement with Westchester Community Opportunity Program, Inc., pursuant to which it was to operate housing that was to be provided by the County for the purpose of general isolation housing related to COVID-19, by, a.) extending its term by one (1) month, b.) amending its scope of work by decreasing the maximum number of clients, c.) increasing its not-to-exceed amount, to pay for services during the extended term, and d.) modifying its budget in order to reflect the increased costs.

By a resolution approved on January 6, 2022, your Honorable Board authorized the County of Westchester (the "County") to enter into an agreement (the "Original Agreement") with Westchester Community Opportunity Program, Inc. ("WestCOP"), pursuant to which WestCOP was to operate housing for up to twenty (20) persons that was to be provided by the County for the purpose of general isolation housing related to COVID-19 (each such housed person a "Client"), and provide related services including, but not necessarily limited to, transportation of each Client to and from the County-provided housing, providing three (3) meals per day per Client, providing security for the housing, and providing cleaning, housekeeping, laundry, nursing, and case management services for each Client, (the "Services") for the period from January 6, 2022 through March 31, 2022, (the "Initial Term") for an amount not-to-exceed \$281,292.00, payable pursuant to an approved budget, for the Initial Term, with the County having the sole option to extend the term of the Agreement for up to three (3) additional one (1) month periods on the same terms as the Initial Term and for specified not-to-exceed amounts. The Original Agreement was subsequently executed.

By a resolution approved on January 13, 2022, your Honorable Board authorized the County to amend the Original Agreement by, a.) amending its scope of work by increasing the maximum number of Clients from twenty (20) to thirty-five (35), effective January 13, 2022, and continuing through the remainder of the Initial Term and each Option Term that the County may exercise, b.) increasing its not-to-exceed amount by \$59,208.00 for the Initial Term, and by \$19,736.00 for each Option Term that the County may exercise, to enable the County to pay for Services for the increased maximum number of Clients, and c.) modifying the budget for the Initial Term and each Option Term in order to allocate the additional funds (the "First Amendment"). The First Amendment was subsequently executed.

By a resolution approved on April 7, 2022, your Honorable Board authorized the County to 1.) amend the Original Agreement, as amended by the First Amendment, by a.) amending its scope of work by decreasing the maximum number of Clients during each County option term, from thirty-five (35) to ten (10), b.) decreasing the total aggregate not-to-exceed amount of all three (3) of the County options, from \$340,500.00 to \$172,084.00, based upon the reduced maximum number of Clients, and c.) modifying the budget applicable to the three (3) month period of the Option Terms in order to reflect the reduced costs, and 2.) exercise the County's first option, second option, and third option, and therefore amend the Agreement and extend its term by three (3) months, through the first Option Term, the second Option Term, and the third Option Term, to a new termination date of June 30, 2022, and increase the total authorized not-to-exceed amount thereunder by \$172,084.00, in order to pay for costs during the first Option Term, the second Option Term, and the third Option Term (the "Second Amendment"). The Second Amendment was subsequently executed.

By a resolution approved on May 26, 2022, your Honorable Board authorized the County to amend the Original Agreement, as amended by the First Amendment and the Second Amendment, by, a.) amending its scope of work by increasing the maximum number of Clients from ten (10) to fifteen (15), effective at hotel check-in time on May 15, 2022, b.) increasing the not-to-exceed amount by \$7,320.00 to pay for additional costs for the increased maximum number of Clients during the months of May and June, and therefore increasing the total aggregate not-to-exceed amount of the agreement from \$512,584.00 to \$519,904.00, and c.) modifying the budget in order to reflect the increased costs (the "Third Amendment"). The Third Amendment will be executed imminently.

The County has determined that, due to the current situation concerning COVID-19 in Westchester County, it will continue to need the Services that have been provided under the Original Agreement, as it will have been fully amended, (the "Agreement").

Accordingly, the County respectfully requests authority from your Honorable Board to amend the Agreement by, a.) extending its term by one (1) month, through July 31, 2022, b.) amending its scope of work by decreasing the maximum number of Clients from fifteen (15) to ten (10), effective at hotel check-in time on July 1, 2022, c.) increasing its total not-to-exceed amount by \$57,362.00, to pay for the Services during

the extended term of the Agreement, and d.) modifying its budget in order to reflect the increased costs (the "Fourth Amendment").

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

The proposed Fourth Amendment will serve a public purpose by providing the County with the services it needs in order to ensure the proper operation of the County-provided general isolation housing related to COVID-19.

The goal and objective of the proposed Fourth Amendment is to provide the County with the services it needs in order to ensure the proper operation of the County-provided general isolation housing related to COVID-19.

The goal and objective of the proposed Fourth Amendment is in the best interests of the County in terms of health and safety, as providing the County with the services it needs in order to ensure the proper operation of the County-provided general isolation housing related to COVID-19 will ensure that such persons have adequate housing and services while they are isolated.

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

The emergency circumstances concerning COVID-19, and the risk that would be associated with each Client prematurely returning to his/her prior housing, are such that procurement of the Services for Clients in compliance with the ordinary requirements of the Westchester County Procurement Policy would endanger the health, safety, and well-being of persons by causing the procurement process to take a longer period of time. Accordingly, the proposed Fourth Amendment is being procured as an accelerated procurement pursuant to Section 10 of the Westchester County Procurement Policy.

Section 13 of the Westchester County 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. To the extent that the regulation is applicable, this procurement complies with 2 C.F.R. 200.320(c)(3), which allows for non-competitive procurement when "[t]he public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation", based on the emergency that currently exists with regard to COVID-19 and the related urgent need for housing-related services for persons who will be in County-provided housing for isolation purposes.

I respectfully recommend the adoption of the attached resolution.

LGT/MC/bdm/nn

RESOLUTION

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

RESOLVED, that the County of Westchester (the "County") is hereby authorized to amend its agreement with Westchester Community Opportunity Program, Inc. ("WestCOP"), pursuant to which WestCOP was to operate housing that was to be provided by the County for the purpose of general isolation housing related to COVID-19 (each such housed person a "Client"), and provide related services including, but not necessarily limited to, transportation of each Client to and from the County-provided housing, providing three (3) meals per day per Client, providing security for the housing, and providing cleaning, housekeeping, laundry, nursing, and case management services for each Client, (the "Services") for the period from January 6, 2022 through June 30, 2022, (the "Agreement") by, a.) extending its term by one (1) month, through July 31, 2022, b.) amending its scope of work by decreasing the maximum number of Clients from fifteen (15) to ten (10), effective at hotel check-in time on July 1, 2022, c.) increasing its total not-to-exceed amount by \$57,362.00, to pay for the Services during the extended term of the Agreement, and d.) modifying its budget in order to reflect the increased costs; 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 empowered to execute all documents and take all actions necessary to effect the purpose of this resolution.

APPROVED BOARD OF ACQUISITIONS CONTRACT - 07/01/2022 COUNTY OF WESTCHESTER SECRETARY

Original Agreement: \$281,292.00
 1st Amendment: \$59,208.00
 2nd Amendment: \$172,084.00
 3rd Amendment: \$7,320.00
 Aggregate amount: \$519,904.00

Account to be
 Charged/Credited

Fund	Dept	Unit	Object/ Sub Object	Trust Account	Activity	Dollars
101	22	8900	5998			\$57,362.00

Budget Funding Year(s): 2022 Start Date: 07/01/22 End Date: 07/31/22
 (must match resolution)

Funding Source Tax Dollars: 7.1%
 State Aid: 2.9%
\$57,362.00 Federal Aid: 90%
 (must match resolution) Other: _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 07/07/2022 RAYMOND SULKY, SECRETARY