

11381

TO: Board of Acquisition and Contract

FROM: Joseph N. Hankin
President, Westchester Community College

DATE: May 12, 2010

RE: Authority to amend an agreement, as previously amended, with the State University of New York (“SUNY”) pursuant to which SUNY provided Westchester Community College (the “College”) with an aggregate amount not-to-exceed \$18,426,468 for the first four years of a five-year agreement commencing on July 1, 2006 and continuing through June 30, 2011 to be used by the College to fund the operation of its Educational Opportunity Center in Yonkers, by accepting continued funding for the fifth year (2010-2011) of a five year agreement in an amount not to exceed \$4,600,000

By resolution approved on July 20, 2006, your Honorable Board authorized the County of Westchester, acting by and through Westchester Community College (the “College”), to enter into an agreement with the State University of New York (“SUNY”) pursuant to which SUNY would provide the College with an amount not-to-exceed \$3,683,763 for the first year of a five-year agreement commencing on July 1, 2006 and continuing through June 30, 2011 to be used by the College to fund the operation of its Educational Opportunity Center (“EOC”) in Yonkers (the “Agreement”). The Agreement was subsequently executed.

Thereafter, by resolution approved on April 13, 2007, your Honorable Board authorized the County to amend the Agreement to increase funding for the first year thereof (2006-07) by an additional \$311,573, from an amount not-to-exceed \$3,683,763 to an amount not-to-exceed \$3,995,336 (the “First Amendment”). The First Amendment was subsequently executed.

By resolution approved on August 23, 2007, your Honorable Board authorized the County to amend the Agreement to increase the funding by an additional \$4,107,390 for the second year of the Agreement (2007-08), from an amount not-to-exceed \$3,995,336 to an amount not-to-exceed \$8,102,726 (the “Second Amendment”). The Second Amendment was subsequently executed.

By resolution approved on May 15, 2008, your Honorable Board authorized the County to amend the Agreement to increase funding for the second year of the Agreement (2007-08) by an additional \$275,000, from an amount not-to-exceed \$4,107,390, to an amount not-to-exceed \$4,382,390, thereby increasing the total aggregate amount not-to-exceed for the first two years of the Agreement from \$8,102,726 to \$8,377,726 (the “Third Amendment”). The Third Amendment was subsequently executed.

75 Grasslands Road, Valhalla, NY 10595 – www.sunywcc.edu

Westchester Community College is sponsored locally by the County of Westchester, affiliated with the State University of New York

By resolution approved on July 10, 2008, your Honorable Board authorized the County to amend the Agreement to increase the funding by an additional \$4,294,390 for the third year of the Agreement (2008-09), thereby increasing the total aggregate amount not-to-exceed for the first three years of the Agreement from from \$8,377,726 to \$12,672,116. (the "Fourth Amendment"). The Fourth Amendment was subsequently executed.

By resolution approved on November 6, 2008, your Honorable Board authorized the County to amend the Agreement to increase the funding by an additional \$279,289 for the third year of the Agreement (2008-09), thereby increasing the total aggregate amount not-to-exceed for the first three years of the Agreement \$12,672,116 to \$12,951,405. (the "Fifth Amendment"). The Fifth Amendment was subsequently executed.

By resolution approved on April 16, 2009, your Honorable Board authorized the County to amend the Agreement to increase the funding by an additional \$199,902 for the third year of the Agreement (2008-09), thereby increasing the total aggregate amount not-to-exceed for the first three years of the Agreement from \$12,951,405 to \$13,151,307. (the "Sixth Amendment"). The Sixth Amendment was subsequently executed.

By resolution approved on September 03, 2009, your Honorable Board authorized the County to amend the Agreement to increase the funding by an additional \$75,161 for the third year of the Agreement (2008-09) and increasing funding for the fourth year (2009-10) of the Agreement by an additional not-to-exceed amount of \$5,200,000 thereby increasing the total aggregate amount not-to-exceed for the first four years of the Agreement from from \$13,151,307 to \$18,426,468 (the "Seventh Amendment"). The Seventh Amendment was subsequently executed.

SUNY recently notified the College that it expects to increase funding for the fifth year of the Agreement (2010-11) by an additional \$4,411,780. Although \$4,411,780 is the projected amount of the increase, actual funding may be slightly higher. As such, the College seeks to increase the not-to-exceed amount authorized under the Agreement by an additional \$4,600,000, rather than \$4,411,780, in case actual funding is higher than expected. Accordingly, authority is respectfully requested to further amend the Agreement with SUNY to increase the not to exceed amount authorized thereunder by an additional \$4,600,000 for the fifth year of the Agreement, thereby increasing the total cumulative aggregate not-to-exceed amount under the Agreement from \$18,426,468 to \$23,026,468.

The goals and objectives of this Agreement are to deliver comprehensive community based academic and workforce development programs and support services to underserved populations, including public assistance (TANF) recipients, which lead to enhanced employment opportunities, access to further education and personal growth and development. This is achieved through the provision of developmental, academic, vocational training, exposure to college, career readiness training and guidance, job placement assistance and associated programs and supports. The goals and objectives are in the best interests of the County because achievement of the same will result in an increase in the number of educated, skilled, and competent workers that are available to meet the current, emerging and future needs of the local labor market. Renée Guy, Associate Dean & Director of the Educational Opportunity Center, will track and monitor the school's progress in achieving the stated goals and objectives.

It should be noted that the total aggregate amount of funding over the five-year term of the Agreement is projected to be \$24,984,755. We will return to your Honorable Board, as necessary, should additional funds be made available.

This Agreement is exempt from application of the Westchester County Procurement Policy pursuant to Section 3(a)xvii thereof.

Except as specifically amended hereby, all remaining terms and conditions of the Agreement, as previously amended, shall remain in full force and effect.

An appropriate resolution is herewith attached for your consideration.

JNH/jpg
Enclosure

APPROVED BOARD OF ACQUISITION & CONTRACT - 12-30-2010 - JOMARY VIEIRA, SECRETARY

RESOLUTION

Upon a communication from the President, Westchester Community College, be it hereby

RESOLVED, that the County of Westchester, acting by and through Westchester Community College (the "College"), is hereby authorized to amend an agreement, as previously amended, with the State University of New York ("SUNY") pursuant to which SUNY provided the College with an amount not-to-exceed \$18,426,468 for the first four years of a five-year agreement for a term commencing on July 1, 2006 and continuing through June 30, 2011 to be used by the College to fund the operation of its Educational Opportunity Center ("EOC") in Yonkers (the "Agreement"), by increasing the not-to-exceed amount by an additional \$4,600,000 for the fifth year of the Agreement (2010-11), thereby increasing the total cumulative aggregate not-to-exceed amount under the Agreement from \$18,426,468 to \$23,026,468; and be it further

RESOLVED, that the total aggregate amount of funding over the five-year term of the Agreement is projected to be \$24,984,755, and to the extent additional funding is made available to the County, this Board's approval will be obtained; and be it further

RESOLVED, that except as specifically amended hereby all remaining terms and conditions of the Agreement, as previously amended, 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 necessary and appropriate to effectuate the purposes of this Resolution.

APPROVED BOARD OF ACQUISITION & CONTRACT - 12-30-2010 - JOMAR NEIRA, SECRETARY

Original Agreement	\$ 3,683,763
First Amendment	\$ 311,573
Second Amendment	\$ 4,107,390
Third Amendment	\$ 275,000
Fourth Amendment	\$ 4,294,390
Fifth Amendment	\$ 279,289
Sixth Amendment	\$ 199,902
Seventh Amendment	\$ 5,275,161
This Amendment	\$ 4,600,000
TOTAL	\$23,026,468

Agreement # C001664

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
703	9997	9110	9781	EOC	\$4,600,000

Budget Funding Year(s) 2010/11 **Start Date:** July 1, 2010 **End Date:** June 30, 2011
 (must match resolution)

Funding Source:

Tax Dollars _____

State Aid _____

Federal Aid _____

\$4,600,000
 (must match resolution)

Other Special Purpose State Aid

APPROVED BOARD OF ACQUISITION & CONTRACT 12-30-2010 - JOMAR VIEIRA, SECRETARY