



#23271

Date: November 2, 2011

To: The Honorable Board of Acquisition and Contract

From: Hon. Kenneth W. Jenkins
Chair, Westchester County Board of Legislators

Re: **Resolution exempting from the Westchester County Procurement Policy an agreement between Westchester County and El Centro Hispano, Inc., for the provision of adult computer classes for the period January 1, 2011 through December 30, 2011 for an amount not to exceed \$30,000.00**

Authority is hereby requested from your Honorable Board for Westchester County to exempt from the Westchester County Procurement Policy an agreement between Westchester County and El Centro Hispano Inc., ("El Centro") pursuant to which El Centro would provide adult computer classes for the term January 1, 2011 through December 30, 2011 for an amount not to exceed Thirty Thousand Dollars (\$30,000.00), payable quarterly upon the County's receipt of quarterly reports (the "Agreement").

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. The Westchester County Board of Legislators seeks to exempt the Agreement from the Procurement Policy because based on a population comprised of 46% seniors and the experience of El Centro Hispano, the best interests of the County would be served by exempting this agreement from the Westchester County Procurement policy pursuant to sections 3 (a)xxi.

Accordingly, I recommend and urge your Honorable Board's approval of the annexed Resolution.

Attachment

RESOLUTION

Upon a communication from the Chair of the Westchester County Board of Legislators, 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, is neither cost effective nor expedient, and accordingly, not in the best interests of the County in connection with the procurement of an agreement with El Centro Hispano Inc., (“El Centro”) pursuant to which El Centro will provide adult computer classes, and be it further

RESOLVED, that the Agreement is subject to County appropriations; and be it further

RESOLVED, that the Agreement is also subject to further financial analysis of the impact of any New York State Budget (the “State Budget”) proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate the Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Service Provider, then the Service Provider shall have the right to terminate the Agreement upon reasonable prior written notice; and be it further

RESOLVED, that the Chairman of the Westchester County Board of Legislators, or his authorized designee, is hereby authorized to execute any documents and take any actions reasonably necessary and appropriate to effectuate the purposes of this Resolution.

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/22/2011 - JOMARY VIEIRA, SECRETARY