

36070

To: The Honorable Board of Acquisition and Contract

From: Kerry Oristano
Commissioner of Human Resources

Date: September 23, 2013

Re: **Authorization for the County of Westchester to enter into a Contract with the New York State Industries for the Disabled (“NYSID”) for Temporary Personnel Services for County Departments at various locations for the term January 1, 2014 through December 31, 2015 in an amount not to exceed \$150,000; and to approve GoodTemps, a division of Goodwill Industries of Greater NY & Northern NJ, Inc., as a subcontractor**

Authorization is requested for the County of Westchester to enter into a contract with the New York State Industries for the Disabled (“NYSID”) for Temporary Personnel Services for County Departments at various locations. The proposed contract is for a two (2) year period commencing January 1, 2014 and terminating December 31, 2015 in an amount not to exceed \$150,000 and will approve GoodTemps, a division of Goodwill Industries of Greater NY & Northern NJ, Inc., as a subcontractor.

As you know, The State of New York enacted legislation (New York State Finance Law § 162) which not only exempts the procurement of certain products and services from competitive procurement provisions, but also requires the County to give designated preferred sources an opportunity to provide these commodities or services. The exemption applies to the provision of temporary personnel services and NYSID is a preferred source.

NYSID is a non-profit organization established in 1976 by the New York State Commissioner of Education to act as the central coordinator for member organizations which serve people with disabilities by making those organizations eligible for State contracts as preferred providers. As of today, approximately one hundred twenty five (125) organizations are certified for NYSID membership and GoodTemps, a division of Goodwill Industries of Greater NY & Northern NJ, Inc. (“GoodTemps”), 171 Madison Avenue, Suite 1103, New York, New York 10016, is such a member agency.

In accordance with, and pursuant to the provisions contained in State Finance Law § 162, the County notified NYSID describing the requirements of this contract, and NYSID submitted a notice of intent within the requisite ten (10) days to provide the services. The County has reviewed the information provided by NYSID and determined that the services are available in the “form, function and utility” required by the County. The County must utilize the

preferred provider as long as the price for the services does not exceed 15% of the fair market price for such services as determined by the New York State Office of General Services (“OGS”). OGS, as required by regulation, has determined that the fee to be paid under this contract is reasonable, based on the applicable Prevailing Wage Schedule as set by the New York State Commissioner of Labor. In addition, we have determined that, based on prior year contracts, the proposed contract pricing is reasonable.

NYSID will perform the temporary personnel services by utilizing GoodTemps as a subcontractor. The utilization of GoodTemps and the population it serves, 75% of individuals placed have disabilities, as a subcontractor on this contract, is exactly the arrangement that was envisioned when NYSID was organized and the preferred source procurement was adopted. NYSID has provided temporary personnel services to the County for the past five years and also currently has a contract with the County for janitorial services among other contracts with the County.

As security for the faithful performance of the contract, the agreement will require that payment be retained for a period of 30 days after services are rendered.

This contract will serve the public purpose of assuring that necessary personnel are available for County Departments at a reasonable cost, avoiding adding unnecessary full-time equivalents at higher salaries and benefits. The goals and objectives of the proposed contract are to provide qualified temporary personnel in County Departments where necessary permanent employees are unavailable due to disability, sickness or for other causes. The provision of temporary employee services will be tracked and monitored by each County Department requiring temporary employees.

Accordingly, authorization to award the contract for temporary personnel services to NYSID is requested. I recommend approval of the attached resolution.

KO/KMV/jpg
Attachment

RESOLUTION

Upon a communication from the Commissioner of Human Resources, be it hereby

RESOLVED, that the County of Westchester is authorized to enter into a contract with the New York State Industries for the Disabled (“NYSID”) for Temporary Personnel Services for County Departments at various locations for the term January 1, 2014 through December 31, 2015 in an amount not to exceed \$150,000, subject to future appropriations, and be it further

RESOLVED, that GoodTemps, a division of Goodwill Industries of Greater NY & Northern NJ, Inc. (“GoodTemps”), 171 Madison Avenue, Suite 1103, New York, New York 10016, is approved as a subcontractor; and be it further

RESOLVED, that payment for services shall be retained for a period of 30 days after services are rendered as security for the faithful performance of the contract; and be it further

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

RESOLVED, that this 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 this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Contractor, then the Contractor shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further

RESOLVED, that the County Executive or his authorized designee be and hereby is authorized and empowered to execute any and all documents necessary and appropriate to effectuate the purposes hereof.

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase or Unit	Object/ Sub Object	Trust Account	Dollars
2014	various	various				TBD
2015	various	various				TBD
						\$

Budget Funding Year(s) 2014-2015 Start Date 01/01/2014 End Date 12/31/2015
 (must match resolution)

Funding Source: Tax Dollars 100% County

State Aid _____

Federal Aid _____

\$150,000 Other _____