



Robert P. Astorino  
County Executive

Department of Social Services

Kevin M. McGuire  
Commissioner

**36704**

DATE: October 29, 2013

TO: Board of Acquisition and Contract

FROM: Kevin M. McGuire  
Commissioner, Department of Social Services

SUBJECT: Authority to amend an agreement with the City of Mount Vernon, pursuant to which the County was to provide the City an amount not-to-exceed \$914,125 in Federal National Emergency Grant funds to pay expenses related to Hurricane Sandy cleanup for a term commencing October 30, 2012 and continuing through September 30, 2013 in order to increase the grant by \$745,827.66 to be provided through National Emergency Grant Funds from a total not to exceed amount of \$914,125 to a new total not to exceed amount of \$1,659,952.66 and extend the termination date of the agreement from September 30, 2013 to December 31, 2013

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By a resolution approved on February 7, 2013 (the "February 7<sup>th</sup> Resolution"), your Honorable Board authorized the County of Westchester (the "County"), acting on behalf of the Westchester/Putnam Local Workforce Investment Board ("WPLWIB"), to enter into an agreement with the City of Mount Vernon (the "City"), pursuant to which the County was to provide the City an amount not-to-exceed \$914,125 in National Emergency Grant ("NEG") funds (the "NEG Funds") and the City was to use the NEG Funds to hire, equip, and/or transport, and provide supervision for, temporary workers who were to provide necessary labor and thereby assist in recovery efforts from damage caused by Hurricane Sandy, for a term commencing October 30, 2012 and continuing through September 30, 2013 (the "Agreement"). The Agreement was subsequently executed.

NEG Funds are Federal funds made available by the United States Department of Labor under the Workforce Investment Act of 1998, as amended, ("WIA") and provided to the County through the New York State Department of Labor ("NYSDOL"). Subsequent to the execution of the Agreement, NYSDOL notified the County, through a series of Notices of Obligational

Authority (“NOAs”), that the County would be provided with additional NEG Funds. NYSDOL also notified the County that the authorized period for expenditure of the NEG Funds was being extended to December 31, 2013.

A portion of these additional NEG Funds were provided to the County expressly so that the County could provide them to the City in order to further fund qualifying work, such as that which is being performed under the Agreement. Specifically, additional NEG Funds totaling \$745,827.66 beyond the existing not-to-exceed amount of the Agreement are to be provided to City by the County.

Accordingly, the County respectfully requests that your Honorable Board authorize the County to amend the Agreement in order to, (1) increase the not-to-exceed amount thereof by an additional \$745,827.66, from an amount not-to-exceed \$914,125 to a new amount not-to-exceed \$1,659,952.66, and (2) extend the termination date thereof from September 30, 2013 to December 31, 2013 (the “Amendment”).

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

The proposed Amendment will serve a public purpose by providing additional funds to the City to facilitate their hiring, equipping, and/or transporting, and providing supervision for, temporary workers who will provide necessary labor and thereby assist in recovery efforts from the damage caused by Hurricane Sandy.

The goal and objective of the proposed Amendment is to provide additional funds to the City to facilitate their hiring, equipping, and/or transporting, and providing supervision for, temporary workers who will provide necessary labor and thereby assist in recovery efforts from the damage caused by Hurricane Sandy.

The goal and objective of the proposed Amendment is in the best interests of the County in terms of public health and welfare, as providing additional funds to the City to assist in recovery efforts from the damage caused by Hurricane Sandy will enable the city to hire, equip, and/or transport, and provide supervision for, temporary workers who will provide necessary labor. In addition, the goal and objective of the proposed Amendment is also in the best interests of the County in terms of fiscal responsibility, as the County will provide the NEG Funds to help assist in the recovery efforts as described above, and will not have to expend other County funds to provide such assistance.

The goals and objectives of the proposed Amendment will be tracked and monitored by the Department of Social Services.

It should be noted that Section 2918(d) of Title 29 of the United States Code, which is part of WIA, expressly authorizes NEG Funds to be expended through appropriate public agencies. As New York State law provides for the use of funds received under WIA pursuant to

the terms and conditions of WIA, the provisions of New York State General Municipal Law 119-0 do not apply. Additionally, the proposed Amendment is exempt from the requirements of the Westchester County Procurement Policy pursuant to Section 3(a) (iii) thereof.

I respectfully recommend approval of attached resolution.

APPROVED BOARD OF ACQUISITION & CONTRACT - 11/21/2013 - JOMARY VIEIRA, SECRETARY

**RESOLUTION**

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

**RESOLVED**, that the County of Westchester, acting on behalf of the Westchester-Putnam Local Workforce Investment Board, (the "County"), is authorized to amend an agreement with the City of Mount Vernon (the "City"), pursuant to which the County was to provide the City an amount not-to-exceed \$914,125 in National Emergency Grant funds (the "NEG Funds") and the City was to use the NEG Funds to hire, equip, and/or transport, and provide supervision for temporary workers who were to provide necessary labor and thereby assist in recovery efforts from damage caused by Hurricane Sandy, for a term commencing October 30, 2012 and continuing through September 30, 2013 (the "Agreement"), in order to, (1) increase the not-to-exceed amount thereof by an additional \$745,827.66, from an amount not-to-exceed \$914,125 to a new amount not-to-exceed \$1,659,952.66, and (2) extend the termination date thereof from September 30, 2013 to December 31, 2013; and be it further

**RESOLVED**, that except as specifically amended hereby, 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 effectuate the purposes hereof.

Original Contract Amount: \$914,125.00

**This Amendment: \$745,827.66**

Total \$1,659,952.66

Account to be Charged/Credited

	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
	275	22	087M	7338	T087C	\$745,827.66

Budget Funding Year(s): 2012 (Grant Year) Start Date: N/A End Date: 12/31/13  
(must match resolution)

Funding Source Tax Dollars: \_\_\_\_\_  
State Aid: \_\_\_\_\_  
**\$745,827.66** Federal Aid: 100%  
(must match resolution) Other: \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT - 11/21/2013 - JOMARY VIEIRA, SECRETARY