



Robert P. Astorino  
County Executive

Department of Social Services

Kevin M. McGuire  
Commissioner

**39212**

Date: April 29, 2014  
To: Board of Acquisition and Contract  
From: Kevin M. McGuire  
Commissioner, Department of Social Services  
Subject: Authority to:

- 1) enter into three (3) Memorandums of Understanding (“MOUs”) with the State of New York Office of Temporary and Disability Assistance (“OTDA”), pursuant to which the County, through its Department of Social Services (“DSS”), will ensure that the County’s three employment related program services providers, Westhab, Inc., the Urban League of Westchester County, Inc. and the Yonkers Chamber of Commerce, will comply with the confidentiality requirements set forth in OTDA’s contract with TALX Corp. in connection with their access and use of employment verification data through the Work Number system in carrying out their obligations to the County under their employment related program services agreements with the County, for a term commencing upon execution and continuing through March 31, 2016; and
- 2) amend agreements with the Yonkers Chamber of Commerce, Westhab, Inc. and the Urban League of Westchester County, Inc. for the provision of employment related program services for the period April 1, 2013 through March 31, 2016, by adding new provisions to ensure that the vendors comply with the confidentiality requirements set forth in OTDA’s contract with TALX Corp. for employment verification services through the Work Number system.

By resolution adopted on March 28, 2013 (the “March 28<sup>th</sup> Resolution”), your Honorable Board authorized the County of Westchester (the “County”), acting by and through DSS, to enter into agreements with Westhab, Inc. in the amount of \$ **4,857,858**, the Urban League of Westchester County, Inc. in the amount of \$ **4,779,726** and the Yonkers Chamber of Commerce in the amount of \$ **4,900,326** (collectively the “Providers”) to provide employment related program services for Temporary Assistance recipients including development of an individual employment plan, assessments, job readiness services, short-term vocational, job skills and educational training,

referral to supportive services, job search and job placement services, retention services as well as case management for the term April 1, 2013 through March 31, 2016 in the total aggregate amount not to exceed \$ **14,537,910** to be paid pursuant to approved budgets and subject to appropriations (the "Agreements"). The Agreements were subsequently executed.

Thereafter, by resolution approved on March 27, 2014, your Honorable Board authorized the County to amend each of the Agreements in order to revise the liquidated damages provision to reflect that the liquidated damages amount will be a percentage of the total budget, rather than a percentage of the quarterly budget (The "First Amendments"). The First Amendments were subsequently executed.

In order to more effectively perform employment related program services for Temporary Assistance recipients, the Providers require access to employment verification data. OTDA, pursuant to a separate contract with TALX Corp. (The "TALX Agreement"), has access to employment verification data through The Work Number system, a database that organizations can use to verify employment and income information. OTDA is willing to share such data with the Providers, subject to the County's assurance to OTDA that the Providers will comply with all confidentiality requirements set forth in the TALX Agreement as well as all Federal, State and other confidentiality requirements applicable to any data provided or accessed by the Providers through the Work Number system. In order to memorialize the County's obligation, OTDA has asked the County to enter into three MOUs with OTDA, one applicable to each Provider. Accordingly, authority is requested to enter into three (3) MOUs with OTDA, pursuant to which the County, through DSS, will ensure that the Providers will comply with all confidentiality requirements set forth in OTDA's contract with TALX Corp. as well as all Federal, State and other confidentiality requirements applicable to any data provided to or accessed by the Providers through the Work Number system in carrying out their obligations to the County under the Agreements, for a term commencing upon execution and continuing through March 31, 2016.

In addition, authority is respectfully requested to further amend each of the Agreements with the Providers to add certain new provisions requiring the Providers to comply with the confidentiality requirements set forth in the TALX Agreement as well as all Federal, State and other confidentiality requirements applicable to any data provided or accessed through the Work Number system.

Except as specifically amended hereby, all remaining terms and conditions set forth in the Agreements with the Providers shall remain in full force and effect.

The MOUs with OTDA are exempt from the County Procurement Policy pursuant to section 3(a) iii thereof. The contracts with the Providers were procured in accordance with the County Procurement Policy through the issuance of an RFP, the specifics of which were detailed in the March 28<sup>th</sup> Resolution.

The Agreements will serve the **public purpose** of helping Temporary Assistance recipients gain employment and ultimately achieve self sufficiency. The Agreements will also assist the Department in placing customers in unsubsidized employment which will eliminate their need for assistance, thereby saving County funds. **The performance measurement indicator** reports and statistics submitted monthly by the vendors will be tracked and monitored by the program office.

Accordingly, your Honorable Board's approval of the attached resolution is most respectfully requested.

KMM/PH/jpg

APPROVED BOARD OF ACQUISITION & CONTRACT - 05/22/2014 - 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 (the "County") is authorized to enter into three (3) Memorandums of Understanding ("MOUs") with the State of New York Office of Temporary and Disability Assistance ("OTDA"), pursuant to which the County, through its Department of Social Services ("DSS"), will ensure that the County's three employment related program services providers, Westhab, Inc., the Urban League of Westchester County, Inc. and the Yonkers Chamber of Commerce (the "Providers") will comply with the confidentiality requirements set forth in OTDA's contract with TALX Corp. in connection with the Providers' access to and use of employment verification data through the Work Number system in carrying out their obligations to the County under their employment related program services agreements with the County, for a term commencing upon execution and continuing through March 31, 2016; and be it further

**RESOLVED**, that the County is authorized to amend agreements with the Yonkers Chamber of Commerce, Westhab, Inc. and the Urban League of Westchester County, Inc. for the provision of employment related program services for the period April 1, 2013 through March 31, 2016 (the "Agreements"), by adding certain new provisions to ensure that the Providers comply with the confidentiality requirements set forth in OTDA's contract with TALX Corp. in connection with the Providers' access to and use of employment verification data provided by OTDA through the Work Number system, for a term commencing upon execution and continuing through March 31, 2016; and be it further

**RESOLVED**, that except as specifically amended hereby, all remaining terms and conditions set forth under the Agreements with the Providers shall remain unchanged; and be it further

**RESOLVED**, that the County Executive or his duly authorized designee is empowered to execute any document necessary to implement this Resolution.

Account to be Charged/credited	Fund	Agency	Major Program, Program & Phase or Unit	Object/ Sub Object	Trust Account	Dollars
	N/A	N/A	N/A	N/A	N/A	N/A

Budget Funding Year(s): N/A  
(must match resolution)

Start Date: upon execution    End Date: 03/31/16

Funding Source

Tax Dollars: N/A

State Aid: N/A

\$N/A

Federal Aid: N/A

(must match resolution)

Other: N/A