



Robert P. Astorino  
County Executive

Department of Social Services

Kevin M. McGuire  
Commissioner

**39517**

DATE: April 2, 2014

TO: Board of Acquisition and Contract

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

SUBJECT: Authority to amend a repayment agreement with the Westchester Community Opportunity Program, Inc. ("WestCOP") in order to recover funds owed to the County by WestCOP in the amount of \$279,015.00 to change the expiration date

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On December 30, 2009, your Honorable Board authorized the County of Westchester (the "County") to enter into an agreement with WestCOP to operate the New Rochelle CAP Shelter for the period January 1, 2010 through December 31, 2010 for an amount not to exceed \$887,988 and to provide up to ten (10) emergency shelter beds for homeless men and women outside the Department of Social Services' (the "Department") regular shelter system for the period January 1, 2010 to December 31, 2010 for an amount not to exceed \$41,039 to be paid monthly for a combined total amount not to exceed \$929,027. An independent annual audit was completed on April 15, 2011 and it was determined that the payments made by the County to WestCOP had exceeded the actual accepted program expenses reflected in the audit by an amount determined to be \$279,015.00.

On January 17, 2013, your Honorable Board approved a request to enter into a repayment agreement with WestCOP to recover funds owed to the County by WestCOP in the amount of \$279,015.00, to be paid in equal installments of \$9,300.50 for 30 months for a term commencing on December 15, 2012 and terminating June 15, 2015. The agreement was subsequently executed.

WestCOP made five (5) payments during 2013 which reduced the amount owed by \$46,502.50. The balance owed is now \$232,512.50. On March 14, 2014, the Department received correspondence from WestCOP requesting an extension of the term of the agreement. After negotiations it was agreed that the monthly installments would be more manageable if reduced and repaid over a period of 48 consecutive months beginning June 15, 2014 and each

payment thereafter due on the fifteenth of each month. This will enable the County to recover the total amount owed.

Accordingly, authority is respectfully requested from your Honorable Board to authorize the County, acting by and through the Department, to amend the repayment agreement with WestCOP in order to extend the end date of the agreement from June 15, 2015 to May 31, 2018 and to change the monthly payments from \$9,300.50 to \$4,844.01. The amendment will ensure that the County will recover the entire amount owed by WestCOP.

The proposed agreement will serve a public purpose by collecting the overpayment amount in installments so as to reduce any economic hardship that could adversely impact WestCOP's ability to run the current sheltering program.

The goals and objectives of the proposed agreement are to collect the full amount of overpayment in a manner that does not adversely impact WestCOP, so that they can continue to provide services to the County that are essential for our community.

The goals and objectives of the proposed agreement are in the best interests of the County in terms of fiscal responsibility. The County's fiscal interests require balancing its duty to recoup the overpayment against the County's need to ensure the continued delivery of shelter services in an economical manner.

The goals and objectives of the proposed agreement will be tracked and monitored by the Department of Social Services' general accounting unit by updating the monthly received amount from the vendor.

The proposed agreement does not constitute procurement. Accordingly, the provisions of the Westchester County Procurement Policy do not apply.

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

I respectfully recommend your Honorable Board's approval of the attached Resolution.

**RESOLUTION**

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

**RESOLVED**, that the County of Westchester (the “County”), acting by and through its Department of Social Services, is hereby authorized to amend its repayment agreement with the Westchester Community Opportunity Program, Inc. (“WestCOP”) by extending the end date of the agreement from June 15, 2015 to May 31, 2018 and changing the monthly payments from \$9,300.50 to \$4,844.01 in order to recover the balance of the funds owed to the County by WestCOP in the amount of \$232,512.50. Payments shall be made in equal monthly installments of \$4,844.01 with the first payment due June 15, 2014 and each payment thereafter due on the fifteenth day of the month; and be it further

**RESOLVED**, that except as specifically amended hereby, all other terms and conditions of the original agreement shall remain in full force and effect; and be it further

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

Account to be  
Charged/Credited

Fund	Dept	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: N/A End Date: 5/31/18

Funding Source  
\$N/A  
(must match resolution)

Tax Dollars: N/A  
State Aid: N/A  
Federal Aid: N/A  
Other: