



Robert P. Astorino
County Executive

Department of Social Services

Kevin M. McGuire
Commissioner

40160

DATE: May 7, 2014

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 with Federal National Emergency Grant funds, in order to increase the not-to-exceed amount of the agreement by \$650,188.43, to a new not-to-exceed amount of \$2,310,141.09

By a resolution approved on February 7, 2013, your Honorable Board authorized the County of Westchester, acting on behalf of the Westchester/Putnam Local Workforce Investment Board, (the "County") 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 \$914,125.00 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 "Original Agreement"). The Original Agreement was subsequently executed.

By a resolution approved on November 21, 2013, your Honorable Board authorized the County to amend the Original Agreement in order to, (1) increase the not-to-exceed amount thereof by an additional \$745,827.66, from an amount not-to-exceed \$914,125.00 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 "First Amendment"). The First Amendment was subsequently executed.

By a resolution approved on February 20, 2014, your Honorable Board authorized the County to amend the Original Agreement, as amended by the First Amendment, in order to extend the termination date thereof from December 31, 2013 to June 30, 2014 (the "Second Amendment"). The Second Amendment 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”). By a Notice of Obligational Authority (“NOA”) dated March 28, 2014, NYSDOL notified the County that the County would be provided with additional NEG Funds. These additional NEG Funds are being made available to the County by NYSDOL expressly so that the County could provide additional NEG Funds to the City in order to further fund qualifying work.

Accordingly, the County respectfully requests that your Honorable Board authorize the County to amend the Original Agreement, as amended by the First Amendment and the Second Amendment, (the “Agreement”) in order to increase the not-to-exceed amount thereof by an additional \$650,188.43, from an amount not-to-exceed \$1,659,952.66 to a new amount not-to-exceed \$2,310,141.09 (the “Third Amendment”).

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

The proposed Third Amendment will serve a public purpose by enabling the County 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 Third Amendment is to enable the County 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 Third Amendment is in the best interests of the County in terms of public health and welfare, as enabling the County to provide additional funds to the City to assist in recovery efforts from the damage caused by Hurricane Sandy and the additional funds 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 Third Amendment is also in the best interests of the County in terms of fiscal responsibility, as the County will provide the additional 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 Third 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-o do not apply. Additionally, the proposed Third Amendment is exempt from

the requirements of the Westchester County Procurement Policy pursuant to Section 3(a)(iii) thereof.

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

KMM/BG/bdm/nn

APPROVED BOARD OF ACQUISITION & CONTRACT - 06/12/2014 - 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, acting on behalf of the Westchester-Putnam Local Workforce Investment Board, (the "County") is hereby 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 \$1,659,952.66 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 June 30, 2014 (the "Agreement"), in order to increase the not-to-exceed amount thereof by an additional \$650,188.43, from an amount not-to-exceed \$1,659,952.66 to a new amount not-to-exceed \$2,310,141.09; 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 hereby empowered to execute any documents and take any actions necessary and appropriate to effectuate the purposes of this Resolution.

Original Contract Amount:	\$914,125.00
First Amendment:	\$745,827.66
Second Amendment:	\$ 0.00
This Amendment:	\$650,188.43
Total	\$2,310,141.09

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
275	22	087M	7350	T087C	\$650,188.43

Budget Funding Year(s): 2013 Start Date: N/A End Date: N/A
(must match resolution)

Funding Source
\$650,188.43
(must match resolution)

Tax Dollars:
State Aid:
Federal Aid: 100%
Other: