



Robert P. Astorino  
County Executive

Department of Social Services

Kevin M. McGuire  
Commissioner

**41658**

Date: August 11, 2014

To: Board of Acquisition and Contract

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

Subject: Authority for the County to amend agreements with Westhab, Inc. and the Yonkers Chamber of Commerce for the provision of Employment Related Program Services for DSS Temporary Assistance Customers in order to increase the not to exceed amount and modify the scope of services

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Pursuant to a Request for Proposal (the "RFP") issued by the Westchester County Department of Social Services ("Department") on February 4, 2013 and through a 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 the Department of Social Services, 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.

By a 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.

By a resolution approved on May 22, 2014, your Honorable Board authorized the County 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. Each of the Agreements with the Providers were amended 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.

It is to be noted that the actual contracts were executed for amounts lower than that were approved through the resolution. The aggregate total not to exceed amount approved through the original resolution adopted on March 28, 2013 for the three agencies was \$14,537,910 whereas the actual total amount contracted was \$14,285,910 as given below:

|   | <u>Resolution Amounts</u> | <u>Contracted Amounts</u> |
|---|---------------------------|---------------------------|
| Westhab, Inc.                               | \$4,857,858               | \$4,753,500               |
| The Urban League of Westchester County Inc. | \$4,779,726               | \$4,705,584               |
| The Yonkers Chamber of Commerce             | <u>\$4,900,326</u>        | <u>\$4,826,826</u>        |
| Total                                       | \$14,537,910              | \$14,285,910              |

Authority is being requested to increase the funding by \$56,152 (Proposed not to exceed amount \$14,594,062 - Original resolution amount \$14,537,910 = \$56,152) effective 4/1/14 as illustrated below:

|              | <b>Year 1<br/>(Already spent)</b> | <b>Year 2<br/>(Proposed)</b> | <b>Year 3<br/>(Proposed)</b> | <b>New<br/>Resolution<br/>Amount</b> | <b>Original<br/>Resolution</b> | <b>Difference<br/>(Orig minus new)</b> |
|--------------|-----------------------------------|------------------------------|------------------------------|--------------------------------------|--------------------------------|--|
| Westhab      | \$1,619,286                       | \$1,610,119                  | \$1,610,119                  | \$4,839,524                          | \$4,857,858                    | (18,334.00)                            |
| Urban League | \$1,593,242                       | \$1,568,528                  | \$1,568,528                  | \$4,730,298                          | \$4,779,726                    | (49,428.00)                            |
| YCC          | \$1,633,442                       | \$1,695,399                  | \$1,695,399                  | \$5,024,240                          | \$4,900,326                    | \$123,914.00                           |
|              | <u>\$4,845,970</u>                | <u>\$4,874,046</u>           | <u>\$4,874,046</u>           | <u>\$14,594,062</u>                  | <u>\$14,537,910</u>            | <u>\$56,152.00</u>                     |

Authority for additional funding is only for \$56,152. The contracts will be amended by increasing the not to exceed amount by \$224,152 effective April 1, 2014 as indicated below. Additional funds are being requested to cover the additional costs associated with the reorganization of the TOP Program where Westhab and YCC will handle TOP cases in designated catchment areas that will require reallocation of staff. The addition of the TOP milestone in the Westhab budget also

accounts for the increase in the funding. Even though the contracts will be amended by \$224,152, the overall not to exceed aggregate amount of \$14,510,062 is still below the aggregate amount of \$14,537,910 approved by a resolution adopted on March 28, 2013. However, since the funds allocated for the 2013-2014 (year 1) were already spent, we are requesting \$56,152 in additional funding to account for the budgets for the next two years.

| <u>Agency Name</u>                  | <u>Current NTE</u>  | <u>New Total</u>    | <u>Difference</u> |
|-------------------------------------|---------------------|---------------------|-------------------|
| Westhab, Inc:                       | \$4,753,500         | \$4,804,738         | \$51,238          |
| Yonkers Chamber of Commerce         | \$4,826,826         | \$4,999,740         | \$172,914         |
| Urban League of Westchester Co Inc. | \$4,705,584         | \$4,705,584         | \$0               |
| <b>Total</b>                        | <b>\$14,285,910</b> | <b>\$14,510,062</b> | <b>\$224,152</b>  |

The not to exceed for the Urban League remains the same.

Authority is also being requested to modify the scope of service for the above referenced contracts whereby Westhab and Yonkers Chamber of Commerce will handle TOP (Transitional Opportunity Program) cases in designated catchment areas that will require reallocation/decentralization and expanded services due to higher workload which in turn will result in increased operating cost for the program. TOP (Transitional Opportunity Program) works with underemployed TA customers to provide supportive services such as child care, transportation, work related expenses to assist them in gaining better paying job/career advancement that should lead to self-sufficiency.

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

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

APPROVED BOARD OF ACQUISITION & CONTRACT - 01/11/2014 - JONNY VEIKAS, SECRETARY

## RESOLUTION

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

**RESOLVED**, that the County is authorized to amend agreements with the Yonkers Chamber of Commerce, and Westhab, Inc. for the provision of employment related program services for the period from April 1, 2013 through March 31, 2016 (the "Agreements"), to increase the not to exceed amounts of the respective contracts as shown below;

| Agency Name                          | Current NTE         | New Total           | Increase         |
|--------------------------------------|---------------------|---------------------|------------------|
| Westhab, Inc:                        | \$4,753,500         | \$4,804,738         | \$51,238         |
| Yonkers Chamber of Commerce:         | \$4,826,826         | \$4,999,740         | \$172,914        |
| Urban League of Westchester Co. Inc. | \$4,705,584         | \$4,705,584         | -0-              |
| <b>Total</b>                         | <b>\$14,285,910</b> | <b>\$14,510,062</b> | <b>\$224,152</b> |

And be it further

**RESOLVED**, that the not to exceed amount for the entire program including all three agencies shall be increased by \$224,152 from \$14,285,910 to a new aggregate total not to exceed \$14,510,062; however, the amount of additional funding requested is only \$56,152 which represents the adjusted amount needed to cover the revised budgets for the entire program over the next two years effective April 1, 2014 after taking into consideration the authorized but unused amount from the original resolution approved on March 28, 2013. The not to exceed for the Urban League of Westchester remains the same; and be it further

**RESOLVED**, that the County of Westchester is hereby authorized to modify the scope of services of the above referenced contracts whereby Westhab and YCC will handle TOP (Transitional Opportunity Program) cases in designated catchment areas that will require reallocation/decentralization and expanded services due to higher workload which in turn results in increased operating cost for the program; and be it further

**RESOLVED**, that except as specifically amended hereby, all remaining terms and conditions set forth under the Agreements with the Providers as amended 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.

**Current Aggregate total for all three contracts: \$14,285,910**  
**This Amendment: \$ 224,152**  
**New Total \$14,510,062**

| Account to be Charged/credited | Fund | Agency | Major Program, Program & Phase or Unit | Object/ Sub Object | Trust Account | Dollars  |
|--------------------------------|------|--------|--|--------------------|---------------|----------|
|                                | 263  | 22     | 708P                                   | 4380               | T708          | \$14,038 |
|                                | 263  | 22     | 708C                                   | 4380               | T708          | \$14,038 |
| 2014                           | 101  | 22     | 8900                                   | 5860               | ----          | \$10,528 |
| 2015                           | 101  | 22     | 8900                                   | 5860               | -----         | \$14,038 |
| 2016                           | 101  | 22     | 8900                                   | 5860               | -----         | \$ 3,510 |
|                                |      |        |  |                    |               |          |
|                                |      |        |  |                    |               |          |

Budget Funding Year(s): N/A      Start Date: upon execution      End Date: 03/31/16  
 (must match resolution)

|                         |                    |                    |
|-------------------------|--------------------|--------------------|
|                         | <b><u>T708</u></b> | <b><u>5860</u></b> |
| Funding Source          | Tax Dollars:       | 71%                |
|                         | State Aid:         | 29%                |
| <b><u>\$56,152</u></b>  | Federal Aid:       | 100%               |
| (must match resolution) | Other:             |                    |

APPROVED BOARD OF ACQUISITION & CONTRACT - 09/11/2014 - JOMARY VIEIRA, SECRETARY