

# 52522

TO: Board of Acquisition and Contract

FROM: Dr. Kunjlata Ashar, M.D.  
Medical Examiner / Pathologist

DATE: August 3, 2016

RE: Request for authority for the County of Westchester (the "County") to amend for a second time, its agreement with the New York State Industries for the Disabled, Inc. ("NYSID") pursuant to which NYSID agreed to provide janitorial services at the Department of Labs and Research, located at 10 Dana Road, Valhalla, New York (the "Department") for an amount not to exceed \$257,088.52 using Jawonio, Inc. as a subcontractor of NYSID (the "Agreement"), by increasing the not-to-exceed amount to \$390,727.42 to reflect required prevailing wage increases.

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Authority is hereby requested for the County to amend for a second time, its agreement with NYSID pursuant to which NYSID provides janitorial services at the Department for the period from May 1, 2014 through April 30, 2016 for an amount not to exceed \$257,088.52 using Jawonio, Inc. as a subcontractor of NYSID (the "Agreement"), by increasing the not-to-exceed amount to \$390,727.42, to allow for 2 months at \$10,887.35 per month and 10 months at \$11,186.42 per month for a total of \$133,638.90 for the one-year period from May 1, 2016 through April 30, 2017.

On June 25, 2014 your Honorable Board authorized the County to enter into the Agreement for a term from May 1, 2014 and terminating on April 30, 2016, in an amount not to exceed two hundred fifty seven thousand eighty-eight and 52/100 (\$257,088.52) dollars, which includes an amount not to exceed \$126,440.37 for the first year and an amount not to exceed \$130,648.20 for the second year, subject to appropriations, and payable pursuant to an approved budget. The approved budget is subject to an annual escalation based upon the issuance by the New York State Department of Labor of its Prevailing Wage Schedules which will affect the applicable wage, supplemental benefits and related costs to be paid pursuant to the Agreement. Authorization was additionally granted approving Jawonio, Inc., located at 260 North Little Tor Road, New City, New York 10956 as a subcontractor. The Agreement was previously amended on April 28, 2016, to extend the term for the additional period from May 1, 2016 through April

30, 2017. Authority from your Honorable Board is now hereby requested to increase the not-to-exceed amount for to reflect increases in the prevailing wage.

The New York State Finance Law, Section 162, exempts the procurement of certain products and services from New York competitive procurement law and requires the County to give designated preferred sources an opportunity to provide these commodities and services. The exemption applies to the provision of janitorial services and NYSID is a preferred source.

NYSID is a non-profit organization established in 1976 by the New York State Commissioner of Education to act as the central coordinator for member organizations, which serve people with disabilities by making those organizations eligible for state contracts as preferred providers. Approximately 70 organizations are certified for NYSID membership. Jawonio, Inc. is such a NYSID member agency.

The County has reviewed the information provided by NYSID and determined that the services are available in the "form function and utility" required. The County must utilize that preferred provider as long as the price for services does not exceed 15% of the fair market price for such services, as determined by the New York State Office of General Services ("OGS"). OGS, as required by regulation, has determined that the fee to be paid under this contract is reasonable, based on the applicable Prevailing Wage Schedule as set by the New York State Commissioner of Labor. In addition, we have determined that, based on prior year contracts, the proposed contract pricing is reasonable.

NYSID will perform the janitorial services by utilizing Jawonio, Inc. as a subcontractor. The utilization of Jawonio, Inc. and the population it serves (75% of individuals placed here have disabilities) as a subcontractor on this contract, is exactly the arrangement that was envisioned when NYSID was set up and the preferred source procurement was adopted.

NYSID has provided services to the County for a number of years through numerous contracts and currently has a contract with the County for janitorial services.

This contract serves the public purpose of promoting the public health of the Westchester County employees working at the Department of Labs & Research by maintaining a clean and healthy working environment.

The goal and objective of this program is to provide the employees of Westchester County Department of Labs & Research with janitorial cleaning services and ensuring public health. The provision of janitorial services will be tracked and monitored by the Administrative division of the Department of Labs and Research, which shall conduct daily surveys of the building and maintain a report as to its cleanliness.

Accordingly, authorization to award the contract for janitorial services to NYSID is requested. I recommend approval of the attached resolution.

## **RESOLUTION**

Upon a communication from the Commissioner Department of Labs and Research be it hereby:

**RESOLVED**, that the County of Westchester is authorized to amend for a second time its agreement with the New York State Industries for the Disabled, Inc., 11 Columbia Circle Drive, Albany, New York 12203 ("NYSID"), pursuant to which NYSID provides janitorial services (the "Agreement") at the Department of Labs and Research, 10 Dana Road, Valhalla, New York, using Jawonio, Inc. as a subcontractor for the term commencing May 1, 2014 and terminating April 30, 2016 by increasing the total aggregate not-to-exceed amount to \$390,727.42, to allow for 2 months at \$10,887.35 per month and 10 months at \$11,186.42 per month for a total of \$133,638.90 for the one-year period from May 1, 2016 through April 30, 2017 and be it further

**RESOLVED**, that Jawonio, Inc., 260 North Little Tor Road, New York City, New York 10956, is hereby approved as sub-contractor; and be it further

**RESOLVED**, that all other terms of the Agreement shall remain the same; and be it further

**RESOLVED**, that NYSID and Jawonio shall be required to provide the County with updated certificates of insurance; and be it further

**RESOLVED**, that this Agreement is subject to County appropriation; and be it further

**RESOLVED**, that this Agreement will be subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Contractor, then the Contractor shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further

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

Account to be  
Charged/credited

	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
2016	101	31	0010	4380		\$ 88,893.22
2017	101	31	0010	4380		\$ 44,745.68

Budget Funding Year(s) 2016-2017 Start Date 5/1/16 End Date 4/30/17  
(must match resolution)

Funding Source

Tax Dollars \$ 133,638.90

\$ 133,638.90  
(must match resolution)

State Aid \_\_\_\_\_

Federal Aid \_\_\_\_\_

Other \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT 09/01/2016 - LISA MURRAY, SECRETARY