



Robert P. Astorino  
County Executive

Department of Social Services

Kevin M. McGuire  
Commissioner

**58275**

DATE: July 18, 2017

TO: Board of Acquisition and Contract

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

SUBJECT: Authority to amend an agreement with Community Housing Innovations, Inc., pursuant to which it was to provide a specified zone with an Emergency Housing Assistance Program, by, 1.) modifying its scope of services to require additional emergency housing units, 2.) increasing its specified annual not-to-exceed amounts to account for the costs of these additional services, and 3.) modifying its specified annual budgets to account for and specify the costs of these additional services.

By a resolution approved on January 26, 2017, your Honorable Board authorized the County of Westchester (the "County"), acting by and through its Department of Social Services ("DSS" or "WCDSS"), to, among other things, enter into an agreement (the "Agreement") with Community Housing Innovations, Inc. ("CHI"), pursuant to which CHI was to provide the "Mount Vernon City School District and New Rochelle City School District" zone (the "Zone") with an Emergency Housing Assistance Program ("EHAP"), consisting of the provision of Emergency Housing Units ("Units") and related housing service to customers deemed eligible for temporary housing assistance by DSS, for the period from January 1, 2017 through December 31, 2017 (the "Initial Term"), with the County having the sole option to extend the term for up to four (4) additional one (1) year periods, on the same terms as the Initial Term except with respect to cost, (each an "Option Term") for the following not-to-exceed amounts for the Initial Term and each Option Term:

<u>Term</u>	<u>Not-To-Exceed Amount</u>
1.) Initial Term (1/1/17 - 12/31/17)	\$2,213,867.00
2.) Option Term #1 (1/1/18 - 12/31/18)	\$2,303,208.00
3.) Option Term #2 (1/1/19 - 12/31/19)	\$2,361,211.00
4.) Option Term #3 (1/1/20 - 12/31/20)	\$2,407,948.00

5.) Option Term #4 (1/1/21 - 12/31/21) \$2,469,370.00

The Agreement was subsequently executed.

The Agreement was procured via a request for proposals that was issued by DSS on October 26, 2016 (the "RFP"). The RFP specified that DSS, at that time, required a total of 80 Units in the Zone, consisting of 70 Units in the Mount Vernon School District and 10 Units in the New Rochelle School District. The RFP went on to explain as follows:

"It is possible that the number of required Units will not vary during the term of any agreement(s) resulting from this RFP, and that the selected proposer(s) will therefore provide, for the full term of the agreement(s), the number of Units for each Zone as specified above.

However, the County may find, during the term of any agreement(s) resulting from this RFP, that it requires more or fewer Units in each Zone. Accordingly, the selected proposer(s) will be required to provide more or fewer Units in each Zone as necessary and as directed by WCDSS.

In the event WCDSS directs a selected proposer to decrease the number of Units it is providing, the selected proposer will submit to WCDSS a revised budget, reflecting the elimination of the direct costs associated with the Units that are no longer to be provided, and eliminate those Units' pro rata share all indirect costs.

In the event WCDSS directs a selected proposer to increase the number of Units it is providing, the selected proposer will submit to WCDSS a revised budget, reflecting the addition of the direct costs associated with the additional Units that are to be provided, and add those Units' pro rata share to all indirect costs.

If more Units are required, the selected proposer(s) will be required to make the required additional Units available for occupancy within ten (10) business days of receiving notice from the County.

If fewer Units are required, the selected proposer(s) will be required to cease charging the County, and the selected proposer(s) will not be reimbursed for, the costs associated with such Unit(s) that are incurred by the selected proposer(s) more than forty-five (45) days after notice is given to the selected proposer(s) regarding the County's reduced need."

The Agreement also specified that CHI (as quoted below, the "Contractor") was to provide 80 Units in the Zone, consisting of 70 Units in the Mount Vernon School District and 10

Units in the New Rochelle School District. The Agreement also contained the above-quoted language, with minor changes to non-substantive language, to make it appropriate for use in the Agreement, as follows:

“It is possible that the number of required Units will not vary during the term of this Agreement, and that the Contractor will therefore provide, for the full term of the Agreement, the number of Units for the Zone as specified above.

However, the County may find, during the term of the Agreement, that it requires more or fewer Units in the Zone. Accordingly, the Contractor will be required to provide more or fewer Units in the Zone as necessary and as directed by WCDSS.

In the event WCDSS directs the Contractor to decrease the number of Units it is providing, the Contractor will submit to WCDSS a revised budget, reflecting the elimination of the direct costs associated with the Units that are no longer to be provided, and eliminate those Units’ pro rata share of all indirect costs.

In the event WCDSS directs a Contractor to increase the number of Units it is providing, the Contractor will submit to WCDSS a revised budget, reflecting the addition of the direct costs associated with the additional Units that are to be provided, and add those Units’ pro rata share to all indirect costs.

If more Units are required, the Contractor will be required to make the required additional Units available for occupancy within ten (10) business days of receiving notice from the County.

If fewer Units are required, the Contractor will be required to cease charging the County, and the Contractor will not be reimbursed for, the costs associated with such Unit(s) that are incurred by the Contractor more than forty-five (45) days after notice is given to the Contractor regarding the County’s reduced need.”

DSS has newly found that it requires more Units in the Zone than currently provided for under the Agreement. Specifically, DSS determined that it requires ten (10) additional Units in Zone, consisting of eight (8) additional Units in the Mount Vernon School District part of the Zone and two (2) additional Units in the New Rochelle School District part of the Zone. Accordingly, DSS informed CHI of this finding and CHI has acted to comply with its obligations under the Agreement. The Units were made available by CHI as of July 1, 2017.

In order to ensure that the Agreement specifies the currently-required EHAP services, enable the County to pay CHI for these additional EHAP services, and enable the County to make such payments based on updated budgets, authority is respectfully requested from your

Honorable Board for the County to, 1.) modify the Agreement's scope of services to require ten (10) additional emergency housing units in the Zone, consisting of eight (8) additional Units in the Mount Vernon School District part of the Zone and two (2) additional Units in the New Rochelle School District part of the Zone, 2.) increase the Agreement's specified annual not-to-exceed amounts, as specified below, to account for the costs of these additional services, and 3.) modify its specified annual budgets to account for and specify the costs of these additional services:

Term	Original Amount		New Amount
	Not-To-Exceed	Increase	Not-To-Exceed
1.) Initial Term (1/1/17 - 12/31/17)	\$2,213,867.00	\$229,062.00	\$2,442,929.00
2.) Option Term #1 (1/1/18 - 12/31/18)	\$2,303,208.00	\$272,721.00	\$2,575,929.00
3.) Option Term #2 (1/1/19 - 12/31/19)	\$2,361,211.00	\$293,972.00	\$2,655,183.00
4.) Option Term #3 (1/1/20 - 12/31/20)	\$2,407,948.00	\$324,712.00	\$2,732,660.00
5.) Option Term #4 (1/1/21 - 12/31/21)	\$2,469,370.00	\$345,650.00	\$2,815,020.00

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

The proposed amendment will serve a public purpose by enabling the County to pay for the additional Units that it requires for the Zone for customers deemed eligible for temporary housing assistance by DSS.

The goal and objective of the proposed amendment is to enable the County to pay for the additional Units that it requires for the Zone for customers deemed eligible for temporary housing assistance by DSS.

The goal and objective of the proposed amendment is in the best interests of the County in terms of public health and safety, as enabling the County to pay for the additional Units that it requires for the Zone for customers deemed eligible for temporary housing assistance by DSS will ultimately help ensure the health and safety of such persons.

The goals and objectives of the proposed amendment will be tracked and monitored by the staff of DSS.

I respectfully recommend the adoption of the attached resolution.

KMM/BG/bdm/nn

**RESOLUTION**

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

**RESOLVED**, that the County of Westchester (the “County”), acting by and through its Department of Social Services (“DSS”), is hereby authorized to amend its agreement (the “Agreement”) with Community Housing Innovations, Inc. (“CHI”), pursuant to which CHI was to provide the “Mount Vernon City School District and New Rochelle City School District” zone (the “Zone”) with an Emergency Housing Assistance Program, consisting of the provision of Emergency Housing Units and related housing service to customers deemed eligible for temporary housing assistance by DSS, for the period from January 1, 2017 through December 31, 2017 (the “Initial Term”), with the County having the sole option to extend the term for up to four (4) additional one (1) year periods, on the same terms as the Initial Term except with respect to cost, (each an “Option Term”) for the following not-to-exceed amounts for the Initial Term and each Option Term:

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(the “Agreement”), by, 1.) modify the Agreement’s scope of services to require ten (10) additional emergency housing units in the Zone, consisting of eight (8) additional Units in the Mount Vernon School District part of the Zone and two (2) additional Units in the New Rochelle School District part of the Zone, 2.) increasing the Agreement’s specified annual not-to-exceed amounts, as specified below, to account for the costs of these additional services, and 3.) modifying the Agreement’s specified annual budgets to account for and specify the costs of these additional services:

<u>Term</u>	<u>Original Amount</u>	<u>Increase</u>	<u>New Amount</u>
	<u>Not-To-Exceed</u>		<u>Not-To-Exceed</u>
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5.) Option Term #4 (1/1/21 - 12/31/21)	\$2,469,370.00	\$345,650.00	\$2,815,020.00

; and be it further

**RESOLVED**, that except as specifically hereby authorized to be amended, 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 authorized to execute any documents and take any actions reasonably necessary and appropriate to effectuate the purposes of this Resolution.

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Account to be  
Charged/Credited

	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
2017	101	22	8900	5850	-----	\$169,606
2017	101	22	8900	5860	-----	\$59,456

Budget Funding Year(s): 2017  
(must match resolution)

Start Date: N/A

End Date: N/A

		<u>5850</u>	<u>5860</u>
Funding Source	Tax Dollars:	1%	71%
<u>\$229,062</u>	State Aid:	0%	29%
(must match resolution)	Federal Aid:	99%	
	Other:		

APPROVED BOARD OF ACQUISITION & CONTRACT - 08/14/2017 - LISA MARIJAJ SECRETARY