



George Latimer
County Executive

Department of Social Services

Kevin M. McGuire
Commissioner

65297

DATE: September 28, 2018

TO: Board of Acquisition and Contract

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

SUBJECT: Authority to amend an agreement with The Westchester County Association, Inc., pursuant to which it was to provide project management services and related services for a project funded by the United States Department of Labor under an H1-B Ready to Work Partnership Grant, for an amount not-to-exceed \$3,390,626.00, for the period July 1, 2015 through October 31, 2018, by extending its term, modifying its scope of work, increasing its not-to-exceed amount, and modifying its budget.

By a resolution approved on August 12, 2015, your Honorable Board authorized the County of Westchester (the "County") to enter into an agreement with The Westchester County Association, Inc. (the "WCA"), pursuant to which the WCA was to provide project management services and related services for a project funded by the United States Department of Labor ("USDOL") under an H1-B Ready to Work Partnership Grant (the "Grant"), for an amount not-to-exceed \$2,025,670.00, for the period July 1, 2015 through October 31, 2018 (the "Original Agreement"). The Original Agreement was subsequently executed.

By a resolution approved on November 17, 2016, your Honorable Board authorized the County to amend the Original Agreement in order to, 1.) expand the above-mentioned 'related services' portion of the scope of services to increase the number of 'Career Coaches' to be provided by the WCA from 3.5 FTE to 7 FTE for the period from July 1, 2016 to October 31, 2018 and to increase the number of 'Job Developers' to be provided by the WCA from 3.0 FTE to 6 FTE for the period from July 1, 2016 to October 31, 2018, and 2.) increase the not-to-exceed amount of the Original Agreement by \$1,364,956, from an amount not-to-exceed \$2,025,670.00 to a new amount not-to-exceed \$3,390,626.00 (the "First Amendment"). The increase in the not-to-exceed amount of the Original Agreement via the First Amendment was to compensate the

WCA for the provision of the above-mentioned additional services, as well as for certain employment training costs. The First Amendment was subsequently executed.

Earlier this year, the County requested from the USDOL, and subsequently received, approval of several changes to the terms of the Grant, including modifications to its budget, modifications to its statement of work, and an increase in its length by one (1) year, to a new termination date of October 31, 2019.

In light of the above-mentioned changes to the Grant, the County now desires to amend the Original Agreement, as amended by the First Amendment, (the "Current Agreement") in order to, a.) extend its term by six (6) months, to a new termination date of April 30, 2019, b.) modify its scope of services to receive from the WCA continued project management services and the facilitation of certain employment training, c.) increase the not-to-exceed amount payable thereunder by \$108,840.00, from an amount not-to-exceed \$3,390,626.00 to a new amount not-to-exceed \$3,499,466.00, in order to pay the WCA for the additional project management services and reimburse its facilitation of said employment training, and d.) modify its budget in order to allocate said new funds and re-allocate existing, remaining funds among the cost items of the budget as necessary to enable the County to properly pay the WCA for its services (the "Second Amendment").

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

The proposed Second Amendment will serve a public purpose by providing the County with project management services and other services it needs in order to accomplish the overall purposes of the Grant.

The goal and objective of the proposed Second Amendment is to provide the County with the project management services and other services it needs in order to accomplish the overall purposes of the Grant.

The goal and objective of the proposed Second Amendment is in the best interests of the County in terms of fiscal responsibility, as the County will receive the project management services and other services it needs in order to accomplish the overall purposes of and they will be paid for with non-County funds.

The goal and objective of the proposed Agreement will be tracked and monitored by the staff of the Department of Social Services.

Trevor Capon, Federal Project Officer/Grants Specialist for Region 1 of the USDOL, expressly advised the County by phone and follow-up e-mail that, with regard to the Current Agreement and the Grant, unless the modifications to the Current Agreement are "substantial enough" or "will in fact significantly change your own grant's statement or scope of work," the "[t]he authority to issue a modification to your project management contractor would be within your own organization's authority" such that the approval of the USDOL and/or additional competitive procurement are not required by the USDOL. Therefore, in satisfaction merely of the County's Procurement Policy and Procedures, and based upon the time- and cost-inefficiency

that would be associated with competitive procurement that might result in the selection of a new entity that would require lead-time and start-up costs, the Department of Social Services is requesting, in accordance with a separate resolution of even date herewith, authority to exempt the Second Amendment from the requirements of the Westchester County Procurement Policy, pursuant to Section 3(a)(xxi) thereof.

I respectfully recommend the adoption of the attached Resolution.

KMM/TK/AT/bdm/nn

APPROVED BOARD OF ACQUISITION & CONTRACT - 10/11/2018 - LISA MARIJAJ, SECRETARY

RESOLUTION

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

RESOLVED, that the County of Westchester (the "County") is hereby authorized to amend an agreement with The Westchester County Association, Inc. (the "WCA"), pursuant to which the WCA was to provide project management services and related services for a project funded by the United States Department of Labor under an H1-B Ready to Work Partnership Grant, for an amount not to exceed \$3,390,626.00, for the period from July 1, 2015 through October 31, 2018 (the "Agreement"), in order to, a.) extend its term by six (6) months, to a new termination date of April 30, 2019, b.) modify its scope of services to receive from the WCA continued project management services and the facilitation of certain employment training, c.) increase the not-to-exceed amount payable thereunder by \$108,840.00, from an amount not-to-exceed \$3,390,626.00 to a new amount not-to-exceed \$3,499,466.00, in order to pay the WCA for the additional project management services and reimburse its facilitation of said employment training, and d.) modify its budget in order to allocate said new funds and re-allocate existing, remaining funds among the cost items of the budget as necessary to enable the County to properly pay the WCA for its services; 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.

Account to be
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
275	22	559P	7338	T559	\$108,840

Budget Funding Year(s): PY 2014 Start Date: 11/01/18
(must match resolution)

End Date: 04/30/19

Funding Source
\$108,840.00
(must match resolution)

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