

**65495**

DATE: October 16, 2018

TO: Board of Acquisition and Contract

FROM: Norma V. Drummond  
Commissioner

SUBJECT: Resolution to exempt from the Westchester County Procurement Policy an agreement with Housing Action Council, Inc. ("HAC"), pursuant to which HAC will continue to provide certain marketing and related services in furtherance of the County's obligations to affirmatively further fair housing under Section 33 of the Settlement Agreement, pursuant to Section 3(a) xxi of the Westchester County Procurement Policy

Authority is hereby requested from your Honorable Board to exempt from the Westchester County Procurement Policy an agreement (the "Agreement") with the Housing Action Council, Inc. ("HAC") pursuant to which the HAC will continue to provide the County of Westchester ("County") with certain marketing and related services in furtherance of the County's obligations to AFFH (defined below) pursuant to Section 33 of the Settlement Agreement (defined below) for a 3 year term, commencing as of September 15, 2017 and continuing through September 14, 2020. Developers will pay the housing consultant's fees to HAC pursuant to an agreed upon rate schedule.

Ordinarily, under Section 6 of the County Procurement Policy, the County is required to solicit proposals for such services through a request for proposals. However, as your Honorable Board will recall, the County is in the process of implementing the requirements of that certain Stipulation and Order of Settlement and Dismissal, filed as of August 10, 2009, entered into in connection with the settlement of the lawsuit titled, *U.S. ex rel. Anti-Discrimination Center of Metro New York v. Westchester County* ("Settlement Agreement"). The Settlement Agreement requires the County to ensure the development of at least seven-hundred and fifty (750) fair and affordable housing units (the "Affordable AFFH Units") which will affirmatively further fair housing ("AFFH"), as set forth in 42 U.S.C. §5304(b)(2). Over 200 remaining Affordable AFFH Units will require marketing services related to Affordable AFFH Units, as well as work with developers and/or owners of rental developments (each a "Developer") and individual owners of owner occupied 1-4 family properties (each a "Homeowner") of such housing.

Under the proposed Agreement, HAC will continue to assist the County in conducting affirmative fair housing marketing of both the Affordable AFFH Developments and Fair and

Affordable Developments, as well as working, at no cost to the County, with Developers and/or Homeowners (seeking to re-sell their properties). The costs related to such services will be borne by either the developer(s) or the homeowner(s).

Pursuant to Section 3(a)xxi, the Westchester County Procurement Policy is not applicable to any procurement for which this Honorable Board determines, by resolution passed prior to commencing such procurement, that compliance with the policy would not be in the best interests of the County. For the reasons set forth above, it is proposed that the best interests of the County would be served by exempting the procurement of this agreement from the County Procurement Policy.

Accordingly, a resolution to exempt the procurement with HAC, is hereby submitted for your consideration.

NVD/cp

APPROVED BOARD OF ACQUISITION & CONTRACT - 11/08/2018 LISA MUSA, SECRETARY

## RESOLUTION

UPON A COMMUNICATION FROM THE COMMISSIONER OF PLANNING, BE IT HEREBY

**RESOLVED:** that pursuant to Section 3(a)xxi of the Westchester County Procurement Policy it is hereby determined that application of the procedural requirements contained therein, including the necessity of soliciting proposals through the issuance of a request for proposals, is neither cost effective nor expedient, and accordingly, not in the best interests of the County of Westchester in connection with the procurement of an agreement with the Housing Action Council, Inc. ("HAC") pursuant to which HAC will continue to provide the County with certain marketing and related services in furtherance of the County's obligations to affirmatively further fair housing ("AFFH"), as set forth in 42 U.S.C. §5304(b)(2).

APPROVED BOARD OF ACQUISITION & CONTRACT - 1/19/2018  
LISA M. LEVINE, SECRETARY