

**65943**

DATE: November 5, 2018

TO: Board of Acquisition & Contract

FROM: Mary Jennings Mahon  
Commissioner of Human Resources

RE: Authority for the County of Westchester to enter into an agreement with New York State Industries for the Disabled, Inc., pursuant to which it will provide temporary office personnel for various job descriptions for various departments of the County at locations throughout Westchester County, for a term commencing on January 1, 2019 and continuing through December 31, 2021, with the County having the sole option to extend the term by up to two (2) one (1) year periods thereafter.

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Authority is respectfully requested from your Honorable Board for the County of Westchester (the "County") to enter into an agreement (the "Agreement") with New York State Industries for the Disabled, Inc. ("NYSID"), pursuant to which NYSID will provide temporary office personnel for various job descriptions for various departments of the County at locations throughout Westchester County (the "Services"), for a term commencing on January 1, 2019 and continuing through December 31, 2021 (the "Initial Term"), with the County having the sole option to extend the term by up to two (2) one (1) year periods thereafter (the "Option Terms").

Under the proposed Agreement, NYSID would be paid an initial total amount not-to-exceed \$525,000, consisting of an initial not-to-exceed amount of \$175,000 for each of three (3) years of the Initial Term, and an initial not-to-exceed amount of \$175,000 for each of the County's Option Terms. However, the proposed Agreement would specify that each initial not-to-exceed amount could be increased by the County if it needs additional Services, subject to the receipt of all necessary consents and approval of your Honorable Board.

Under the proposed Agreement, NYSID would be authorized to utilize Goodwill Industries of Greater New York and Northern New Jersey, Inc., which does business as GoodTemps, ("GoodTemps") for all of the Services to be provided under the Agreement.

Pursuant to New York State Finance Law §162 ("State Finance Law §162"), the procurement of certain commodities and services is exempted from competitive procurement

provisions and the County is required to give designated preferred sources an opportunity to provide those commodities or services. Among the services subject to this exemption is the Services, for which NYSID is the only preferred source.

NYSID is a not-for-profit corporation established in 1975, which has been appointed by the New York State Commissioner of Education to facilitate orders on behalf of its member preferred source agencies serving disabled persons. GoodTemps is such a member of NYSID.

In accordance with and pursuant to State Finance Law §162, the County notified NYSID that the County was seeking to procure the Services. In response, NYSID notified the County of its intent to provide the Services within the ten (10) day timeframe provided under State Finance Law §162. In accordance with State Finance Law §162, the County has reviewed the information provided by NYSID and has determined that NYSID can provide the Services in the “form, function and utility” required by the County.

Under State Finance Law §162, the County must utilize the preferred source as long as its price for the Services is reasonable and does not exceed by more than fifteen percent (15%) the fair market price for the Services that has been determined by the Commissioner of the New York State Office of General Services (“OGS”). The County and NYSID are currently awaiting receipt of the requisite price approval from OGS but anticipate receiving it in the coming weeks. However, the County has submitted this request to your Honorable Board now in order to ensure that the County can quickly move to enter into the proposed Agreement with NYSID if and when the price approval from OGS is received.

Accordingly, the County is seeking authority to enter into the proposed Agreement, but with said authority conditioned upon receipt of said price approval from OGS. In addition, the County requests that NYSID not be required provide a Performance and Payment Bond, as NYSID has satisfactorily provided services to the County for a number of years.

The proposed Agreement will serve a public purpose by providing various departments of the County with the temporary office personnel they need in order to perform various governmental functions.

The goal and objective of the proposed Agreement is to provide various departments of the County with the temporary office personnel they need in order to perform various governmental functions.

The goal and objective of the proposed Agreement is in the best interests of the County in terms of ensuring the public welfare, as providing various departments of the County with the temporary office personnel they need in order to perform various governmental functions will facilitate said departments acting to ensure the welfare of the public.

The goal and objective of the proposed Agreement will be tracked and monitored by the staff of the Department of Human Resources and each department that receives the Services under the Agreement.

I respectfully recommend approval of the attached Resolution.

KJM/KMV/bdm/nn

APPROVED BOARD OF ACQUISITION & CONTRACT - 11/15/2018 - LISA MRIJAJ, SECRETARY

## RESOLUTION

Upon a communication from the Commissioner of Human Resources, be it hereby:

**RESOLVED**, that the County of Westchester (the "County") is hereby authorized to enter into an agreement (the "Agreement") with New York State Industries for the Disabled, Inc. ("NYSID"), pursuant to which NYSID will provide temporary office personnel for various job descriptions for various departments of the County at locations throughout Westchester County (the "Services"), for a term commencing on January 1, 2019 and continuing through December 31, 2021 (the "Initial Term"), with the County having the sole option to extend the term by up to two (2) one (1) year periods thereafter (the "Option Terms"); and be it further

**RESOLVED**, that under the Agreement, NYSID will be paid an initial total amount not-to-exceed \$525,000, consisting of an initial not-to-exceed amount of \$175,000 for each of three (3) years of the Initial Term, and an initial not-to-exceed amount of \$175,000 for each of the County's Option Terms; and be it further

**RESOLVED**, that the Agreement will specify that each initial not-to-exceed amount could be increased by the County, subject to the receipt of all necessary consents and legal approvals, based upon the County's need for additional Services; and be it further

**RESOLVED**, that NYSID is hereby authorized to utilize Goodwill Industries of Greater New York and Northern New Jersey, Inc., which does business as GoodTemps, for all of the Services to be provided under the Agreement; and be it further

**RESOLVED**, that NYSID will not be required to provide a Performance and Payment Bond; and be it further

**RESOLVED**, that authority to enter into the Agreement is conditioned upon the County's receipt, from the New York State Office of General Services, of approval of the pricing provided by NYSID, as required by State Finance Law §162; and be it further

**RESOLVED**, that the Agreement is subject to County appropriations; and be it further

**RESOLVED**, that the Agreement is also subject to further financial analysis of the impact of the New York State Budget ("State Budget") proposed and adopted during the term of the contracts. The Agreement shall contain a provision that 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 the 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 State Budget on County finances. After such analysis, the County shall retain the right to either terminate the 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 the Agreement upon reasonable prior written notice; 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

FY	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
2019	101	39	1000	4446		15,000
2019	101	37	0010	4446		13,000
2019	101	27	0010	4446		50,000
2019	101	27	2700	4446		35,000
2019	263	24	85 047T	4446		3,000
2019	263	24	85 047U	4446		6,000
2019	101	12	6010	4446		53,000
2020	101	39	1000	4446		15,000
2020	101	37	0010	4446		13,000
2020	101	27	0010	4446		55,000
2020	101	27	2700	4446		37,500
2020	101	12	6010	4446		54,500
2021	101	39	1000	4446		15,000
2021	101	37	0010	4446		13,000
2021	101	27	0010	4446		55,000
2021	101	27	2700	4446		37,500
2021	101	12	6010	4446		54,500

Budget Funding Year(s): 2019-2021 Start Date: 01/01/19 End Date: 12/31/21  
 (must match resolution)

Funding Source: \$525,000.00  
 (must match resolution)

Tax Dollars: 525,000.00  
 State Aid: \_\_\_\_\_  
 Federal Aid: \_\_\_\_\_  
 Other: \_\_\_\_\_

APPROVED BY BOARD OF ADJUSTMENT & COMMISSIONERS - 14752280 - LISA MARIJAJ, SECRETARY