

George Latimer  
County Executive

Department of Social Services

Kevin M. McGuire  
Commissioner

**DATE:** November 7, 2018

**TO:** Board of Acquisition & Contract

**FROM:** Kevin McGuire, Commissioner  
Department of Social Services

**RE:** Authority to further amend an agreement with the Urban League of Westchester County, Inc. (the "Urban League") for the provision of Educational Advocacy Services for Homeless Families for the period from August 1, 2015 through November 30, 2018, in an amount not-to-exceed \$814,430, pursuant to an approved budget, by 1) extending the term of the Agreement for one (1) additional month, from December 1, 2018 through December 31, 2018; and 2) increasing the not-to-exceed amount authorized thereunder by an additional \$20,361, pursuant to an approved budget, thereby increasing the total aggregate amount not-to-exceed from \$814,430 to \$834,791, to compensate the Urban League for additional services rendered during the extension period.

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By resolution approved on August 12, 2015 (the "August 12<sup>th</sup> Resolution"), your Honorable Board authorized the County of Westchester (the "County"), acting by and through its Department of Social Services, ("Department"), to enter into an agreement with the Urban League, pursuant to which the Urban League would provide Educational Advocacy Services for Homeless Families (the "Services") for the period from August 1, 2015 through July 31, 2016 in an amount not-to-exceed \$244,329, pursuant to an approved budget (the "Agreement"). The August 12<sup>th</sup> Resolution further authorized the County, at its sole option, to renew the Agreement for up to two (2) additional one (1) year periods, with no increase in the total budget amount for the option years. The Agreement was subsequently executed.

Thereafter, by resolution approved on July 28, 2016, your Honorable Board authorized the County, through the Department, to amend the Agreement to exercise the first of its two options to renew the Agreement for an additional one (1) year period commencing on August 1, 2016 and continuing through July 31, 2017 for an amount not-to-exceed \$244,329, pursuant to an approved budget, thereby increasing the total aggregate not-to-exceed amount from \$244,329 to \$488,658 (the "First Amendment"). The First Amendment was subsequently executed.

Thereafter, by resolution approved on August 3, 2017, your Honorable Board authorized the County, through the Department, to amend the Agreement to exercise the second and final of its two options to renew the Agreement for an additional one (1) year period commencing on August 1, 2017 and continuing through July 31, 2018 for an amount not-to-exceed \$244,329,

pursuant to an approved budget, thereby increasing the total aggregate not-to-exceed amount from \$488,658 to \$732,987 (the "Second Amendment"). The Second Amendment was subsequently executed.

In anticipation of the expiration of the Second Amendment on July 31, 2018, the Department developed an RFP to procure the Services going forward. However, due to program changes with the Department's housing resources and changes to McKinney Vento regulations, preparation of the RFP took longer than expected. In order to ensure continuity of Services until a new vendor could be procured, by resolution approved on June 28, 2018, your Honorable Board authorized the County, through the Department, to further amend the Agreement with the Urban League in order to extend the term thereof for an additional four (4) months, from August 1, 2018 through November 30, 2018 (the "First Extension Period"), and to increase the not-to-exceed amount thereunder by an additional \$81,443, pursuant to an approved budget, thereby increasing the total aggregate not-to-exceed amount from \$732,987 to \$814,430, in order to compensate the Urban League for additional services to be rendered during the First Extension Period (the "Third Amendment"). The Third Amendment was subsequently executed.

Thereafter, on September 19, 2018, the Department issued an RFP to procure the Services for an additional one (1) year period, from December 1, 2018 through November 30, 2019. Despite posting the RFP on the County website and allowing until October 31, 2018 for receipt of proposals, no proposals were received in response to the RFP.

The Department is now in the process of re-issuing the RFP and anticipates that it will require an additional month, until December 31, 2018, to procure a new vendor. In order to ensure that these valuable Services continue uninterrupted during this period, authority is respectfully requested to further amend the Agreement with the Urban League (the "Fourth Amendment") in order to extend the term thereof for one (1) additional month, from December 1, 2018 through December 31, 2018 (the "Second Extension Period"). In consideration for additional Services to be rendered during the Second Extension Period, the County will pay the Urban League an additional amount not-to-exceed \$20,361, pursuant to an approved budget, thereby increasing the total aggregate not-to-exceed amount thereunder from \$814,430 to \$834,791.

Since the failure of the Department to procure a new vendor by the expiration of the Third Amendment was due to circumstances which could not reasonably be avoided, the Department seeks to make an "Accelerated Procurement" of the Services for the Second Extension Period in accordance with section "10" of the County Procurement Policy and 45 CFR 92.36(d)(4)(i)(B) of the Federal Common Grant Rules.

During the Second Extension Period, the Urban League will continue to operate a program to provide the services to facilitate the completion of educational designations, case counseling, school registration and enrollment, education compliance and arrangement of school transportation for homeless school-aged students.

The Agreement will serve a public purpose by ensuring that each homeless child and youth has equal access to the same free, appropriate public education, including a public preschool education, as other children and youth.

The goals and objectives of this Agreement are to operate a program to provide services to facilitate the completion of educational designation, case counseling, school registration, education compliance and coordination of school transportation for homeless school-aged students.

The goals and objectives are in the best interests of the County because these services will ensure the timely and seamless transition of educational services for homeless school-aged youth relocating to transitional housing.

The goals and objectives will be tracked and monitored by the Department.

Except as otherwise specifically amended hereby, all remaining terms and conditions of the Agreement, as previously amended, shall remain in full force and effect.

An appropriate resolution is herewith attached for your Honorable Board's consideration.

KMM/BG/jpg  
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/20/2018 - JOAN COCCIARDI-SECRETARY

## RESOLUTION

UPON A COMMUNICATION FROM THE COMMISSIONER, WESTCHESTER COUNTY DEPARTMENT OF SOCIAL SERVICES, BE IT HEREBY

**RESOLVED**, that the County of Westchester, acting by and through its Department of Social Services, is hereby authorized to further amend an agreement with the Urban League of Westchester County, Inc. (the "Urban League"), as previously amended, pursuant to which the Urban League agreed to provide Educational Advocacy Services for Homeless Families for the period from August 1, 2015 through November 30, 2018 in an amount not-to-exceed \$814,430, pursuant to an approved budget (the "Agreement"), by 1) extending the term of the Agreement for one (1) additional month, from December 1, 2018 thru December 31, 2018; and 2) increasing the not-to-exceed amount authorized thereunder by an additional \$20,361, pursuant to an approved budget, thereby increasing the total aggregate not-to-exceed amount thereunder from \$814,430 to \$834,791, to compensate the Urban League for additional services to be rendered during the one (1) month extension period; and be it further

**RESOLVED**, that this contract is subject to County Appropriation; and be it further

**RESOLVED**, that this agreement is also 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 except as otherwise specifically amended hereby, all remaining terms and conditions of the Agreement, as previously amended, shall remain in full force and effect; and be it further

**RESOLVED**, that the County Executive or his duly authorized designee be, and hereby is, authorized to take such actions and execute such documents as may be necessary and appropriate to effectuate the purposes hereof.

Original Contract Amount:	\$244,329
First Amendment:	\$244,329
Second Amendment:	\$244,329
Third Amendment:	\$ 81,443
This Amendment:	<b><u>\$ 20,361</u></b>
Total:	\$834,791

Account to be  
Charged/Credited

	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars
2018	101	22	8900	5630		\$20,361

Budget Funding Year(s): 2018 Start Date: 12/01/18 End Date: 12/31/18  
(must match resolution)

Funding Source

Tax Dollars:

State Aid:

\$20,361

Federal Aid: 100%

(must match resolution)

Other:

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/20/2018 - DAN COCCARDI, SECRETARY