

74251

DATE: January 28, 2020

TO: Board of Acquisition and Contract

FROM: Joseph K. Spano
Commissioner of Correction

RE: Authority to amend an Agreement with the United States Marshals Service, U.S. Department of Justice ("USMS"), pursuant to which the County of Westchester (the "County"), acting by and through the Westchester County Department of Correction ("WCDOC") agreed to provide housing, safekeeping and subsistence to Federal detainees at the Westchester County Jail ("Jail") for a term commencing on March 1, 2019 and continuing indefinitely at a rate payable to the County of \$215.00 per person per day, by expanding WCDOC's transportation responsibilities as well as requiring the USMS to maintain a certain number of Federal detainees in WCDOC custody.

By resolution approved on March 14, 2019, your Honorable authorized the County to enter into an agreement with the USMS, pursuant to which the County, through WCDOC, would provide Federal prisoners with housing, food and medical services, including transportation of prisoners to and from the Jail for medical appointments and to the Federal Courthouse in White Plains for court appearances, for a term commencing on March 1, 2019 and continuing indefinitely, unless inactivated in writing by either party, at the daily rate of \$215.00 per person, which rate would remain in effect for a period of thirty-six (36) months from the commencement date and thereafter be subject to renegotiation (the "Agreement"). The Agreement was subsequently executed.

The parties now seek to amend the Agreement by expanding WCDOC's transportation responsibilities as well as requiring that USMS maintain a certain number of Federal detainees in WCDOC custody (the "Amendment"). More specifically, the proposed Amendment would require that WCDOC also be responsible for transporting Federal detainees who are in WCDOC custody to and from the Federal courthouse in Manhattan located at 500 Pearl Street (WCDOC staff will not assume any courthouse responsibilities), and, upon specific request from the USMS, to transport Federal detainees from the Jail to Stewart International Airport in Newburgh for scheduled airlift services. These added responsibilities would be subject to availability of WCDOC personnel and housing unit space. If for any unforeseen reason, WCDOC was unable to sustain the new transportation responsibilities, it would make the proper notification to USMS. In addition,

pursuant to the terms of the proposed Amendment, USMS would agree to maintain a minimum of one hundred seventy (170) federal detainees at WCDOC.

Except as otherwise specifically amended hereby, all remaining terms and conditions set forth in the Agreement will remain in full force and effect upon the parties.

As this Amendment does not constitute a procurement of goods or services within the meaning of the Westchester County Procurement Policy, the requirements of the Policy do not apply.

This Amendment will serve a public purpose by providing additional revenue to the County. Accordingly, authority is respectfully requested for the County to enter into this Amendment to the Agreement.

JKS/WF/JPG/nn
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 02/20/2020 - LISA BRIJAS, SECRETARY

RESOLUTION

Upon communication from the Commissioner of Correction, it is hereby

RESOLVED, that the County of Westchester (“County”) is authorized to amend an agreement (the “Agreement”) with the United States Marshals Service, United States Department of Justice (“USMS”), pursuant to which the County, through its Department of Correction (WCDOC”), agreed to provide housing, safekeeping, and subsistence to Federal detainees at the Westchester County Jail (the “Jail”), including medical services and the transportation and security of prisoners to and from the Jail for medical appointments and appearances at the Federal Courthouse in White Plains, for a term commencing on March 1, 2019 and continuing indefinitely, unless inactivated in writing by either party, at the daily rate of \$215.00 per person, by expanding WCDOC’s transportation responsibilities to include transporting Federal detainees who are in WCDOC custody to and from the Federal courthouse in Manhattan located at 500 Pearl Street (WCDOC staff will not assume any courthouse responsibilities), and, upon specific request from the USMS, to transport Federal detainees from the Jail to Stewart International Airport in Newburgh for scheduled airlift services; and be it further

RESOLVED, that these added transportation responsibilities would be subject to availability of WCDOC personnel and housing unit space. If for any unforeseen reason WCDOC was unable to sustain the new transportation responsibilities, it would make the proper notification to USMS; and be it further

RESOLVED, that pursuant to the terms of the proposed amendment, USMS would agree to maintain a minimum of one hundred seventy (170) federal detainees at WCDOC; and be it further

RESOLVED, that except as otherwise specifically amended hereby, all remaining terms and conditions set forth in the Agreement will remain in full force and effect upon the parties; and be it further

RESOLVED, that the County Executive or his duly authorized designee is authorized and empowered to execute and deliver all instruments and take all actions necessary or appropriate to effectuate the purposes hereof.

Account to be
Charged/credited

Fund	Agency	Capital Project Or Org	Object/ Sub Object	Trust Account	Activity	Dollars
101	35	1000	9076			N/A

Budget Funding Year(s) 2019-2022 Start Date: 3/1/2019 End Date: Evergreen
(must match resolution)

Funding Source Tax Dollars _____
State Aid _____
N/A Federal Aid _____
(must match resolution) Other N/A _____

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