

**79665**

**TO:** Honorable Members of the Board of Acquisition and Contract

**FROM:** George Latimer  
County Executive

Dr. DaMia Harris Madden  
Executive Director, Youth Bureau

**DATE:** September 23, 2020

**SUBJECT:** Authority for the County of Westchester to enter into an agreement with Young Men's Christian Association of New Rochelle dba The New Rochelle YMCA, to operate its remote learning program for school aged children of essential workers, for a term commencing on September 23, 2020 and continuing through December 30, 2020, for an amount not-to-exceed \$225,000.00, payable monthly, pursuant to an approved budget, and providing that the County shall indemnify the New Rochelle YMCA.

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The attached Resolution, if approved by your Honorable Board, would authorize the County of Westchester (the "County"), acting by and through its Youth Bureau, to enter into an agreement (the "Agreement") with Young Men's Christian Association of New Rochelle dba The New Rochelle YMCA, ("New Rochelle YMCA"), pursuant to which New Rochelle YMCA will operate its remote learning program for school aged children of essential workers ("Program"), for a term commencing on September 23, 2020 and continuing through December 30, 2020, for an amount not-to-exceed \$225,000.00, payable monthly, pursuant to an approved budget.

The Program, a remote learning program for school aged children of essential workers residing and/or working throughout Westchester County, is an educational solution for children to attend on their non-school, remote-learning days. The program, offered 8:00 AM to 3:00PM five days a week, is designed as a place where students can complete coursework from online or at-home classes in a safe, supportive environment with trained staff that are prepared to respond to children's social and emotional needs. Students will be grouped in small, consistent pods with those of similar age and grade levels. The Program Director, counselors and education specialists are trained to assist with remote learning and schoolwork in an environment that is compliant with State and Westchester County DOH, NYSED, CDC and coronavirus-related safety and social distancing guidelines.

The proposed Agreement will serve a public purpose by providing essential workers living and working throughout Westchester County with a remote learning program that will provide a safe

and supportive environment for students to access and engage in a remote learning schedule, ensuring continuity of learning.

The goal and objective of the proposed Agreement is for the New Rochelle YMCA to provide remote learning services for up to (45) forty-five school aged students, who are children of essential workers, at the New Rochelle YMCA located at 50 Weyman Avenue, New Rochelle, New York 10805. The goal and objective of the proposed Agreement will be tracked and monitored by the County Executive's Site Monitor and the monthly submission of reports.

This allocation of federal funding for remote learning services for the children of essential workers is being provided by the Federal Coronavirus Aid, Relief and Economic Security (CARES) Act to prevent, prepare for, and respond to the Coronavirus pandemic. The scope of work includes funding to reimburse operating expenses related to the management and operation of the remote learning center.

The proposed agreement will provide that the County, at its own expense, will defend, indemnify and hold harmless the New Rochelle YMCA, its successors, assigns, officers, directors, agents and employees (collectively, "Indemnitees") from and against any and all claims, actions, damage, loss, liability, costs and expenses of any kind (including reasonable attorneys' fees) (collectively, "Loss") incurred by or asserted against Indemnitees and arising from the willful acts and/or negligence of County's officers, employees, agents, representatives, and individuals participating in County's use and operation of the Program.

The procurement of the proposed Agreement is exempt from the requirements of the Westchester County Procurement Policy pursuant to Section 3(a)(xviii) thereof, which exempts contracts with persons for the creation and support of recreation projects, youth service projects and other appropriate programs and services for the prevention of delinquency and youth crime and the advancement of the moral, physical, mental and social well-being of the youth of the Westchester County.

Section 13 of the Westchester County Procurement Policy specifies that each procurement that is funded, in whole or in part, by federal funds shall be made in accordance with any and all applicable federal laws, regulations, rules, guidance, instructions, or grant terms. Specifically, this procurement complies with 2 C.F.R. 200.320(f) (2), which allows for noncompetitive procurement when "the public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation." This agreement qualifies based on the public exigency that currently exists and the urgent need for drop in remote learning child care services for essential workers living and working throughout Westchester County.

I respectfully recommend the adoption of the attached resolution.

DHM/JE/DV  
Encls

## RESOLUTION

Upon a communication from the County Executive and the Executive Director of the Westchester County Youth Bureau, be it hereby

**RESOLVED**, that the County of Westchester (“County”) is hereby authorized to enter into an agreement (“Agreement”) with Young Men’s Christian Association of New Rochelle dba the New Rochelle YMCA (“New Rochelle YMCA”), pursuant to which New Rochelle YMCA will operate its remote learning program, for a term commencing on September 23, 2020 and continuing through December 30, 2020, for an amount not-to-exceed \$225,000.00, payable monthly pursuant to an approved budget; and be it further

**RESOLVED**, that the proposed agreement shall provide that the County, at its own expense, shall defend, indemnify and hold harmless the New Rochelle YMCA, its successors, assigns, officers, directors, agents and employees (collectively, “Indemnitees”) from and against any and all claims, actions, damage, loss, liability, costs and expenses of any kind (including reasonable attorneys’ fees) (collectively, “Loss”) incurred by or asserted against Indemnitees and arising from the willful acts and/or negligence of County’s officers, employees, agents, representatives, and individuals participating in the use and operation of the Program; and be it further

**RESOLVED**, that the County Executive or his duly authorized designee be and hereby is authorized and empowered to execute any and all documents and take any actions necessary to effectuate the purposes hereof.

Account to be  
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
101	11	0400	4998		\$225,000.00

Budget Funding Year(s) 2020 Start Date 09/23/20 End Date 12/30/20  
(must match resolution)

Funding Source            Tax Dollars \$0  
                                     State Aid \$0  
**\$225,000.00**            Federal Aid **\$225,000.00**  
(must match resolution) Other \$0