

80049

TO: Honorable Members of the Board of Acquisition and Contract

FROM: Honorable George Latimer
Westchester County Executive

Robin Schlaff
Director, Office for Women

DATE: October 7, 2020

SUBJECT: Resolution to exempt from the Westchester County Procurement Policy & Procedures, pursuant to Section 3(a)(xxi) thereof, the procurement of a first amendment to an existing agreement with Hudson Valley Justice Center, Inc. pursuant to which it was to provide legal assistance to poor and low-income Westchester County immigrant residents as well as conduct community outreach events and legal education seminars in Mount Vernon, in order to expand the scope of services.

By resolution approved on June 4, 2020, your Honorable Board authorized the County of Westchester, acting by and through its Office for Women, (the "County") to enter into an agreement (the "Original Agreement") with Hudson Valley Justice Center, Inc. ("HVJC"), pursuant to which HVJC was to provide legal assistance to poor and low-income Westchester County immigrant residents as well as conduct community outreach events and legal education seminars in Mount Vernon, for a term commencing on January 1, 2020 and continuing through December 31, 2020, for an amount not to exceed \$130,009.00. The Original Agreement was subsequently executed on or about July 24, 2020.

Authority is now hereby requested from your Honorable Board to exempt from the Westchester County Procurement Policy & Procedures ("Westchester Procurement Policy"), pursuant to Section 3(a)(xxi) thereof, an amendment ("First Amendment") to the Original Agreement in order to expand the scope of services for additional legal services necessary to assist undocumented immigrants facing rental arrears, by negotiating rent arrears payoff or repayment agreements on their behalf in order to settle cases before eviction proceedings are filed and divert such undocumented immigrants from further court involvement.

The proposed First Amendment will be funded with funds provided to the County under the Coronavirus Aid, Relief, and Economic Security Act (the "CARES Act"). The United States Treasury Department has advised that funding provided under the CARES Act is not subject to the Federal

procurement rules in 2 CFR Part 200.317 through Part 200.326. Therefore, pursuant to Section 13(d) of the Westchester Procurement Policy, the ordinary County procurement rules apply to this procurement.

Pursuant to Section 3(a)(xxi), the Westchester 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 such policy would not be in the best interests of the County.

The County believes that the requested exemption is justified due to economic crisis caused by the Coronavirus disease (COVID-19) which is disproportionately affecting low-income undocumented immigrants which are now facing rental arrears. Based on the foregoing, it is proposed that the best interests of the County would be served by exempting the procurement of the proposed First Amendment from the Westchester Procurement Policy, pursuant to Section 3(a)(xxi) thereof. Accordingly, a resolution to exempt this procurement is hereby submitted for your consideration.

GL/CMC

APPROVED BOARD OF ACQUISITION & CONTRACTS 10/15/2020 - LISA MURPHY SECRETARY

RESOLUTION

Upon a communication from the Westchester County Executive and the Director of the Office for Women, 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, 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 amendment ("First Amendment") to an existing agreement with Hudson Valley Justice Center, Inc. ("HVJC"), for a term commencing on January 1, 2020 and continuing through December 31, 2020, pursuant to which HVJC was to provide legal assistance to poor and low-income Westchester County immigrant residents in matters including housing, family law, public benefits, education, elder law, consumer, employment and immigration, as well as conduct community outreach events and legal education seminars, at the County's Mount Vernon District Office, in order to provide additional legal services necessary to assist undocumented immigrants facing rental arrears, by negotiating rent arrears payoff or repayment agreements.

APPROVED BOARD OF ACQUISITION & CONTRACTS - 01/15/2020 - JSA MARIJAJ, SECRETARY