



George Latimer
County Executive

Department of Social Services

Leonard G. Townes
Commissioner

83249

DATE: March 9, 2021

TO: Board of Acquisition and Contract

FROM: Leonard G. Townes,
Commissioner, Department of Social Services

SUBJECT: Authority to amend an agreement with Westchester Community Opportunity Program, Inc., pursuant to which it was to operate housing that was to be provided by the County for the purpose of general isolation housing related to COVID-19, in order to extend its term by three (3) months, through June 30, 2021, for an additional amount not-to-exceed \$332,192.00.

By a resolution approved on April 2, 2020, your Honorable Board authorized the County of Westchester (the "County") to enter into an agreement with Westchester Community Opportunity Program, Inc. ("WestCOP"), pursuant to which WestCOP was to operate housing that was to be provided by the County for COVID-19 patients who had been released from the hospital but were not yet able to return to their prior housing, and provide related services, (the "Original Services") for the period from April 1, 2020 through June 30, 2020, for a total amount not-to-exceed \$369,534.00 (the "Original Agreement"). The Original Agreement was subsequently executed.

By a resolution approved on May 7, 2020, your Honorable Board authorized the County to amend the Original Agreement by, 1.) modifying its scope of work to include one (1) additional nurse, who is a registered nurse with special expertise in infection/communicable diseases prevention and control, to be provided as part of the Original Services, in order to ensure that nursing services are available seven days per week, for the recovering COVID-19 patients (the "Additional Services"), 2.) increasing its not-to-exceed amount by \$22,238.00, from a not-to-exceed amount of \$369,534.00 to a new not-to-exceed amount of \$391,772.00, in order to pay for the Additional Services as well as account for additional supplies and related costs involved in the provision of the Original Services to a larger number of people, and 3.) modifying its budget in order to allocate the additional funds (the "First Amendment"). The First

Amendment was subsequently executed.

By a resolution approved on July 9, 2020, your Honorable Board authorized the County to amend the Original Agreement, as amended, by 1.) modifying its terms to specify that the County-provided housing would be operated for the more broad purpose of general isolation housing related to COVID-19, 2.) extending its term until August 1, 2020, 3.) increasing its not-to-exceed amount by \$111,073.44, from a not-to-exceed amount of \$391,772.00 to a new not-to-exceed amount of \$502,845.44, in order to pay for services during the extended term, 4.) modifying its budget in order to allocate the additional funds, and 5.) adding County options for parts of August, to be exercised based upon the County's sole discretion, on the following terms:

- First Option: From August 1 until August 15, for an amount not-to-exceed \$51,834.27; and
- Second Option: From August 15 until August 31, for an amount not-to-exceed \$59,239.17

(the "Second Amendment"). The Second Amendment was subsequently executed.

By a resolution approved on August 6, 2020 (the "August 6th Resolution"), your Honorable Board authorized the County to exercise its two (2) options under the Original Agreement, as amended, identified as the 'First Option' and the 'Second Option' above, in order to continue receiving services to operate County-provided housing for the purpose of general isolation housing related to COVID-19, and related services including the Additional Services, (the "Current Services") and thereby, 1.) extend the term of the Original Agreement, as amended, through August 31, 2020; 2.) increase the not-to-exceed amount of the Original Agreement, as amended, by \$111,073.44, to a new total not-to-exceed amount of \$613,918.88, to pay for the Current Services during the extended term of the Original Agreement, as amended; 3.) modify its budget in order to allocate the additional funds; and 4.) reflect the fact that the County would not have any options remaining under the Original Agreement, as amended.

By a resolution approved on August 27, 2020 (the "August 27th Resolution"), your Honorable Board amended the August 6th Resolution by adding a new 'RESOLVED' clause that authorized the County to amend the Original Agreement, as amended, by, 1.) extending its term by four (4) additional months, through December 31, 2020; 2.) increasing its not-to-exceed amount by \$555,367.20, to a new total not-to-exceed amount of \$1,169,286.08, in order to pay for the services during the four-month extension; and 3.) modifying its budget in order to allocate the additional funds.

Based upon the authority from the August 6th Resolution and the August 27th Resolution, the County subsequently entered into an amendment to the Original Agreement, as amended, with WestCOP (the "Third Amendment").

By a resolution approved on December 17, 2020, your Honorable Board authorized the County to amend the Original Agreement, as amended by the First Amendment, the Second Amendment, and the Third Amendment, by, 1.) extending its term by three (3) additional months, through March 31, 2021; 2.) increasing its not-to-exceed amount by \$332,192.00, to a new total not-to-exceed amount of \$1,501,478.08, in order to pay for services during the three-month extension; and 3.) modifying its budget in order to allocate the additional funds (the

“Fourth Amendment”). The Fourth Amendment was subsequently executed.

The County will continue to require the Current Services beyond March 31, 2021. Accordingly, the County respectfully requests authority from your Honorable Board to amend the Original Agreement, as amended by the First Amendment, the Second Amendment, the Third Amendment, and the Fourth Amendment, (the “Agreement”) by, 1.) extending its term by three (3) additional months, through June 30, 2021; 2.) increasing its not-to-exceed amount by \$332,192.00, to a new total not-to-exceed amount of \$1,833,670.08, in order to pay for services during the three-month extension, and 3.) modifying its budget in order to allocate the additional funds (the “Fifth Amendment”).

Except as described above, all terms and conditions of the Agreement shall remain in full force and effect.

The proposed Fifth Amendment will serve a public purpose by continuing to provide the County with the services it needs in order to ensure the proper operation of the County-provided general isolation housing related to COVID-19.

The goal and objective of the proposed Fifth Amendment is to continue to provide the County with the services it needs in order to ensure the proper operation of the County-provided general isolation housing related to COVID-19.

The goal and objective of the proposed Fifth Amendment is in the best interests of the County in terms of health and safety, as continuing to provide the County with the services it needs in order to ensure the proper operation of the County-provided general isolation housing related to COVID-19 will ensure that such persons have adequate housing and services while they are isolated.

The goal and objective of the proposed Fifth Amendment will be tracked and monitored by the staff of the Department of Social Services.

The procurement of this Fifth Amendment is aimed at addressing the emergency circumstances concerning COVID-19, and the risk that would be associated with the inability of affected persons to effectively isolate themselves when it is necessary to do so. Procuring the services to be provided under this Fifth Amendment in compliance with the ordinary requirements of the Westchester County Procurement Policy would, therefore, endanger the health, safety, and well-being of persons by causing the procurement process to take a longer period of time. Accordingly, the proposed Fifth Amendment is being procured as an accelerated procurement pursuant to Section 10 of the Westchester County Procurement Policy.

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(c)(3), which allows for non-competitive procurement when “[t]he public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation”, based on the emergency

circumstances concerning COVID-19 and the related urgent need for services for persons who will be in County-provided isolation housing.

I respectfully recommend the adoption of the attached resolution.

LGT/BG/bdm/mn

APPROVED BOARD OF ACQUISITION & CONTRACT - 03/18/2021 - LISA MRIJAJ, SECRETARY

RESOLUTION

Upon a communication from the Commissioner of the Department of Social Services, be it hereby:

RESOLVED, that the County of Westchester (the "County") is hereby authorized to amend an agreement with Westchester Community Opportunity Program, Inc. ("WestCOP"), pursuant to which WestCOP was to operate housing that was to be provided by the County for the purpose of general isolation housing related to COVID-19, for the period from April 1, 2020 until March 31, 2021, for a total amount not-to-exceed \$1,501,478.08, (the "Agreement") by, 1.) extending its term by three (3) additional months, through June 30, 2021; 2.) increasing its not-to-exceed amount by \$332,192.00, to a new total not-to-exceed amount of \$1,833,670.08, in order to pay for services during the three-month extension, and 3.) modifying its budget in order to allocate the additional funds; and be it further

RESOLVED, that except as hereby authorized to be amended, all terms and conditions of the Agreement shall remain in full force and effect; and be it further

RESOLVED, that the County Executive or his duly authorized designee is empowered to execute all documents and take all actions necessary to effect the purpose of this resolution.

APPROVED BOARD OF ACQUISITION & CONTRACT ADMINISTRATION, SECRETARY

Account to be
Charged/Credited

Fund	Dept	Unit	Object/ Sub Object	Trust Account	Activity	Dollars
101	22	8900	5998			332,192.00

Budget Funding Year(s): 2021 _____ Start Date: 04/01/21 End Date: 06/30/21
(must match resolution)

Funding Source

\$332,192.00
(must match resolution)

Tax Dollars: _____

State Aid: _____

Federal Aid: 100% _____

Other: _____

APPROVED BOARD OF ACQUISITION & CONTRACTS - 03/18/2021 - LISA MRJAS SECRETARY