

**86749**

DATE: August 5, 2021

TO: Board of Acquisition & Contract

FROM: Mary Jennings Mahon  
Commissioner of Human Resources

RE: Authority to exercise the County's first option under its agreement with New York State Industries for the Disabled, Inc., pursuant to which it was to provide temporary office personnel for various job descriptions for various departments of the County at locations throughout Westchester County.

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By a resolution approved on November 15, 2018, your Honorable Board authorized the County of Westchester (the "County") to enter into an agreement (the "Agreement") with New York State Industries for the Disabled, Inc. ("NYSID"), pursuant to which NYSID was to provide temporary office personnel for various job descriptions for various departments of the County at locations throughout Westchester County (the "Services"), for a term commencing on January 1, 2019 and continuing through December 31, 2021 (the "Initial Term"), with the County having the sole option to extend the term by up to two (2) additional one (1) year periods thereafter (the "Option Terms"). Under the Agreement, NYSID was to be paid an initial total amount not-to-exceed \$525,000.00 during the Initial Term, consisting of an initial not-to-exceed amount of \$175,000.00 for each of the three (3) years of the Initial Term, and an initial not-to-exceed amount of \$175,000.00 for each of the Option Terms. Under the Agreement, NYSID was authorized to utilize Goodwill Industries of Greater New York and Northern New Jersey, Inc., a NYSID member preferred source agency serving disabled persons that does business as GoodTemps, ("GoodTemps") for all of the Services to be provided under the Agreement. The Agreement was subsequently executed.

Pursuant to New York State Finance Law §162 ("State Finance Law §162"), the procurement of certain commodities and services is exempted from competitive procurement provisions and the County is required to give designated preferred sources an opportunity to provide those commodities or services. Among the services subject to this exemption is the Services, for which NYSID is the only preferred source.

Therefore, the County procured the Agreement in accordance with the requirements of State Finance Law §162. As part of that process, the New York State Office of General Services ("OGS") evaluated the pricing offered by NYSID for the Agreement. OGS found the pricing

“reasonable” and provided its approval, which allowed the County to execute the Agreement, as noted above.

Since the County continues to require the Services, it can now only either, a.) exercise its first one-year option under the Agreement, or b.) conduct a new preferred-source procurement in which, in accordance with State Finance Law §162 as noted above, only NYSID can initially be solicited.

In light of all of the foregoing, the County respectfully requests authority from your Honorable Board to exercise its first one-year option under the Agreement and amend the Agreement by, 1.) extending the term thereof by one (1) year, to a new termination date of December 31, 2022; 2.) increasing the not-to-exceed amount thereof by \$175,000.00, to a new total not-to-exceed amount of \$700,000.00, to pay for the Services during the first Option Term; and 3.) reflecting the fact that the County will have one (1) remaining one (1) year option under the Agreement (the “First Amendment”).

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

The proposed First Amendment will serve a public purpose by providing various departments of the County, for an additional year, with the temporary office personnel they need in order to perform various governmental functions.

The goal and objective of the proposed First Amendment is to provide various departments of the County, for an additional year, with the temporary office personnel they need in order to perform various governmental functions.

The goal and objective of the proposed First Amendment is in the best interests of the County in terms of ensuring the public welfare, as providing various departments of the County, for an additional year, with the temporary office personnel they need in order to perform various governmental functions will facilitate said departments acting to ensure the welfare of the public.

The goal and objective of the proposed First Amendment will be tracked and monitored by the staff of the Department of Human Resources and each department that receives the Services under the Agreement.

I respectfully recommend approval of the attached resolution.

MJM/KAM/bdm/nn

**RESOLUTION**

Upon a communication from the Commissioner of Human Resources, be it hereby:

**RESOLVED**, that the County of Westchester (the “County”) is hereby authorized to exercise its first one-year option under its agreement with New York State Industries for the Disabled, Inc. (“NYSID”), pursuant to which NYSID was to provide temporary office personnel for various job descriptions for various departments of the County at locations throughout Westchester County (the “Services”), for a term commencing on January 1, 2019 and continuing through December 31, 2021 (the “Initial Term”), with the County having the sole option to extend the term by up to two (2) additional one (1) year periods thereafter (the “Option Terms”), under which agreement NYSID was to be paid an initial total amount not-to-exceed \$525,000.00 for the Initial Term, consisting of an initial not-to-exceed amount of \$175,000.00 for each of the three (3) years of the Initial Term, and an initial not-to-exceed amount of \$175,000.00 for each of the Option Terms, and also under which agreement NYSID was authorized to utilize Goodwill Industries of Greater New York and Northern New Jersey, Inc., which does business as GoodTemps, for all of the Services to be provided, (the “Agreement”) and amend the Agreement by, 1.) extending the term thereof by one (1) year, to a new termination date of December 31, 2022; 2.) increasing the not-to-exceed amount thereof by \$175,000.00, to a new total not-to-exceed amount of \$700,000.00, to pay for the Services during the first Option Term; and 3.) reflecting the fact that the County will have one (1) remaining one (1) year option under the Agreement (the “First Amendment”); and be it further

**RESOLVED**, that except as specifically 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 hereby, authorized to execute any documents and take any actions reasonably necessary and appropriate to effectuate the purposes of this Resolution.

Account to be Charged/Credited

FY	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
2022	101	39	1000	4446		15,000
2022	101	37	0010	4446		13,000
2022	101	27	0010	4446		30,000
2022	101	27	2700	4446		20,000
2022	101	12	6010	4446		97,000

Budget Funding Year(s): 2022 Start Date: 01/01/22 End Date: 12/31/22  
 (must match resolution)

Funding Source: \$175,000.00  
 (must match resolution)

Tax Dollars: \$175,000  
 State Aid: \_\_\_\_\_  
 Federal Aid: \_\_\_\_\_  
 Other: \_\_\_\_\_