

George Latimer  
County Executive

Department of Probation  
Rocco A. Pozzi  
Commissioner

**87074**

DATE: August 20, 2021

TO: Honorable Members  
Board of Acquisition and Contract

FROM: Rocco A. Pozzi  
Commissioner of Probation

RE: Resolution to retroactively exempt from the Westchester County Procurement Policy, pursuant to section 3(a) xxi thereof, the procurement of an agreement with The Pre-Trial Services Institute of Westchester, Inc. ("PTSI") pursuant for the provision of pre-trial programs for a term commencing on January 1, 2021 and expiring on December 31, 2021 for an amount not to exceed \$640,249.

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A resolution is respectfully requested to retroactively exempt from the Westchester County Procurement Policy (the "Procurement Policy"), pursuant to section 3(a) xxi thereof, an agreement (the "Agreement") with The Pre-Trial Services Institute of Westchester, Inc. ("PTSI") pursuant for the provision of pre-trial programs for a term commencing on January 1, 2021 and expiring on December 31, 2021 for an amount not to exceed \$640,249.

For over four decades, PTSI has provided pre-trial programs to evaluate criminal defendants ("Defendants") for potential pre-trial release from prison and to ensure the return of defendants for future court appearances through PTSI's structured follow-up program during the pre-trial release period. The County's previous agreement with PTSI expired on December 31, 2020.

Ordinarily, under Section 6 of the Procurement Policy, for any agreement reasonable expected to cost \$75,000 or more, the County of Westchester (the "County") is required to solicit proposals through a request for proposals ("RFP").

The combined impact of the Bail Elimination Act of 2019 and the COVID-19 pandemic created an unprecedented degree of uncertainty in the criminal justice system such that the volume, scope and nature of the work of a pre-trial services agency in 2021 could not reasonably be determined. As such, it would have been imprudent to engage in the RFP process given the convergence of these two historic events and their evolving impact on the work of a pretrial services agency. The best interests of the



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County, therefore, are best served by continuing the relationship with PTSI as the provider of pre-trial services in 2021.

Pursuant to Section 3(a)xxi, the Procurement Policy is not applicable to any procurement for which your Honorable Board determines, by resolution passed prior to commencing such procurement, that compliance with the policy would not be in the best interests of the County. For the reasons set forth above, it is proposed that the best interests of the County would be served by exempting the Agreement from the County Procurement Policy.

For the reasons set forth above, it is proposed that the best interests of the County would be served by exempting the procurement of the proposed Agreement from the application of the Procurement Policy as it is neither cost effective nor expedient, and not in the best interests of the County in connection the proposed Agreement with PTSI. Accordingly, a Resolution to exempt the procurement of the Agreement with PTSI is hereby submitted for your Honorable Board's consideration.

I respectfully recommend approval of the attached Resolution.

RAP/SXP/jrc

APPROVED BOARD OF ACQUISITION & CONTRACT - 09/02/2021 - RAYMOND SCILLY, SECRETARY

## RESOLUTION

Upon a communication from the Commissioner of Probation, be it hereby

**RESOLVED**, that pursuant to Section 3(a)xxi of the Westchester County Procurement Policy and Procedures, it is hereby determined that application of the procedural requirements contained therein, including the necessity of soliciting proposals through a request for proposals, is neither cost effective nor expedient, and accordingly, not in the best interests of the County of Westchester in connection with an agreement with The Pre-Trial Services Institute of Westchester, Inc. for the provision of pre-trial programs for a term commencing on January 1, 2021 and expiring on December 31, 2021 for an amount not to exceed \$640,249.

APPROVED BOARD OF ACQUISITION & CONTRACT - 09/02/2021 - RAYMOND SULLIVAN, SECRETARY