



George Latimer  
County Executive

Department of Social Services

Leonard G. Townes  
Commissioner

## 89400

DATE: December 7, 2021

TO: Board of Acquisition and Contract

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

SUBJECT: Authority to amend the County's agreement with each of three (3) vendors, pursuant to each of which each vendor was to provide one (1) specified zone with an Emergency Housing Assistance Program, by, a.) extending the term of each agreement by six (6) months, to a new expiration date of June 30, 2022, b.) increasing the total not-to-exceed amount of each agreement, to pay for services during the extended term, and c.) modifying the budget of each agreement in order to allocate the additional funds.

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By resolutions approved on January 26, 2017, March 2, 2017, August 24, 2017, March 8, 2018, August 30, 2018, December 13, 2018, December 19, 2019, December 23, 2020, and June 10, 2021, collectively, your Honorable Board authorized the County of Westchester (the "County"), acting by and through its Department of Social Services ("DSS"), to enter into a total of three (3) agreements, as specified below, (collectively, the "Agreements") and then amend various of those Agreements, such that the County ultimately had an agreement with each of the three entities specified below, pursuant to each of which each entity is currently obligated to provide the zone specified below (each a "Zone") with an Emergency Housing Assistance Program, consisting of the provision of 'emergency housing units' and related housing service to customers deemed eligible for temporary housing assistance by DSS, (the "Services") for the period from January 1, 2017 through December 31, 2021, and for the respective total not-to-exceed amounts specified below:

Entity	Zone	Total Not-To-Exceed Amount 1/1/17 through 12/31/21
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1.) Westhab, Inc. ("Westhab")	Yonkers City School District	\$20,988,513.00
2.) Community Housing Innovations, Inc. ("CHI")	Mount Vernon City School District and New Rochelle City School District	\$13,221,721.00
3.) Interfaith Council For Action, Inc. ("IFCA")	Peekskill City School District and Hendrick Hudson Central School District	\$ 3,494,424.00

The County no longer has any options remaining under any of the Agreements. However, the County has anticipated continuing to require the Services. Therefore, DSS made preparations to issue a new request for proposals, in order to procure the Services for the period beyond 12/31/21. These preparations have been greatly complicated, though, by the DSS's significant uncertainty about its level of future need for the Services, given the impact of COVID-19, the current eviction moratorium in the State of New York, and myriad other interrelated current factors affecting the level of need for emergency housing units.

DSS has determined that the exigency presented by these complicating factors and the related uncertainty has made it most logical and appropriate to seek a short-term extension of the Agreements, at a four percent (4%) increase in total costs as compared to 2021 (the "6-Month Extension Costs"). DSS's expectation is that it will have significantly greater clarity about its future need for the Services over the next few months, and it is, therefore, DSS's intention to issue a request for proposals for the Services for the period starting July 1, 2022.

DSS reviewed and analyzed the proposed 6-Month Extension Costs for each of the Agreements, in order to ensure that they were reasonable. Through that analysis, DSS determined that the proposed costs for the first six months of 2022 are reasonable.

Therefore, the County respectfully requests authority from your Honorable Board to amend each of the Agreements by, 1.) extending its term by six (6) months, to a new expiration date of June 30, 2022; 2.) increasing its not-to-exceed amount by the amount shown below, to the new total amount shown below, to pay for the Services during the extended term; and 3.) modifying its budget in order to allocate the additional funds (collectively, the "Extension Amendments"):

<u>Agreement with Entity</u>	<u>Increase in Not-To-Exceed Amount for the 6-Month Extension</u>	<u>New Total Not-To-Exceed Amount Through 6/30/22</u>
1.) Westhab	\$2,291,912.00	\$23,280,425.00
2.) CHI	\$1,463,810.00	\$14,685,531.00
3.) IFCA	\$ 293,446.00	\$ 3,787,870.00

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

The proposed Extension Amendments will serve a public purpose by continuing to provide the County with an Emergency Housing Assistance Program for each Zone for customers deemed eligible for temporary housing assistance by DSS.

The goal and objective of the proposed Extension Amendments is to continue to provide the County with an Emergency Housing Assistance Program for each Zone for customers deemed eligible for temporary housing assistance by DSS.

The goal and objective of the proposed Extension Amendments is in the best interests of the County in terms of public health and safety, as the County continuing to have an Emergency Housing Assistance Program for each Zone for customers deemed eligible for temporary housing assistance by DSS will ultimately help ensure the health and safety of such persons.

The goal and objective of the proposed Extension Amendments will be tracked and monitored by the staff of DSS.

Authority to exempt the procurement of the proposed Extension Amendments from the requirements of the Westchester County Procurement Policy and Procedures, pursuant to Section 3(a)(xxi) thereof, has been submitted to your Honorable Board in accordance with a separate resolution of even date herewith.

Section 13 of the Westchester County Procurement Policy specifies that each procurement concerning an agreement 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 exigent circumstance created by the County’s need for the Services and the complicating factors and related uncertainty described above.

I respectfully recommend the adoption of the attached resolution.

LGT/DK/bdm/nn

APPROVED BOARD OF ACQUISITION CONTRACT 12/23/2021 RAYMOND SQUJLYK, SECRETARY

## RESOLUTION

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

**RESOLVED:** The County of Westchester is authorized to amend each of its three agreements concerning the provision of an Emergency Housing Assistance Program for a particular zone, by, 1.) extending the term of each agreement by six (6) months, to a new expiration date of June 30, 2022; 2.) increasing the total aggregate not-to-exceed amount of all of the agreements by \$4,049,168.00, to pay for the work to be performed during the extended terms, and 3.) modifying the budget of each agreement in order to allocate the additional funds; and be it further

**RESOLVED:** The aforementioned three agreements are between the County of Westchester and each of the following entities, for the period from January 1, 2017 through December 31, 2021, for each of the following zones and for each of the following total not-to-exceed amounts:

<u>Entity</u>	<u>Zone</u>	<u>Total Not-To-Exceed Amount 1/1/17 through 12/31/21</u>
1.) Westhab, Inc. ("Westhab")	Yonkers City School District	\$20,988,513.00
2.) Community Housing Innovations, Inc. ("CHI")	Mount Vernon City School District and New Rochelle City School District	\$13,221,721.00
3.) Interfaith Council For Action, Inc. ("IFCA")	Peekskill City School District and Hendrick Hudson Central School District	\$ 3,494,424.00

and the not-to-exceed amount of each of the aforementioned three agreements shall be authorized to be increased by the following respective amounts, to the following new total not-to-exceed amounts:

<u>Agreement with Entity</u>	<u>Increase in Not-To-Exceed Amount for the 6-Month Extension</u>	<u>New Total Not-To-Exceed Amount Through 6/30/22</u>
1.) Westhab	\$2,291,912.00	\$23,280,425.00
2.) CHI	\$1,463,810.00	\$14,685,531.00
3.) IFCA	\$ 293,446.00	\$ 3,787,870.00

; and be it further

**RESOLVED:** Except as specifically hereby authorized to be amended, all terms and conditions of each of the three aforementioned agreements shall remain in full force and effect; and be it further

**RESOLVED:** 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.

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Account to be  
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
101	22	8900	5850		\$2,694,131.00
101	22	8900	5860		\$1,355,037.00

Budget Funding Year(s): 2022 Start Date: 01/01/22 End Date: 06/30/22

5850      5860

	Tax Dollars:	<u>1%</u>	<u>71%</u>
Funding Source	State Aid:	<u>0%</u>	<u>29%</u>
<u>\$4,049,168.00</u>	Federal Aid:	<u>99%</u>	<u>0%</u>
(must match resolution)	Other:	<u>                    </u>	<u>                    </u>

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/23/2021 - RAYMOND SCULKY, SECRETARY