

George Latimer  
County Executive

Department of Probation  
Rocco A. Pozzi  
Commissioner

#92806

DATE: April 15, 2022

TO: Honorable Members  
Board of Acquisition and Contract

FROM: Rocco A. Pozzi  
Commissioner of Probation

RE: **Authority for the County of Westchester to retroactively amend an agreement with The Pre-Trial Services Institute of Westchester, Inc. pursuant to which PTSI agreed to provide 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, by 1) extending the term thereof from January 1, 2022 through June 30, 2022; and 2) increasing the not-to-exceed amount thereunder by \$260,428.**

By resolution approved on September 2, 2021, your Honorable Board authorized the County of Westchester (the "County"), acting by and through its Department of Probation (the "Department"), to retroactively enter into an agreement (the "Agreement") with The Pre-Trial Services Institute of Westchester, Inc. ("PTSI") pursuant to which PTSI would provide pre-trial programs to evaluate criminal defendants ("Defendant(s)") for potential pre-trial release from prison and ensure defendants' return for future court appearances through PTSI's structured follow-up during the pre-trial release period, for a term commencing January 1, 2021 and expiring on December 31, 2021 for an amount not to exceed \$640,249 payable pursuant to an approved budget. The Agreement was subsequently executed.

The Department now seeks to retroactively extend the term of the Agreement for an additional six (6) months, from January 1, 2022 to June 30, 2022, to align the next agreement with PTSI with the term of the 2022 grant from the New York State Department of Criminal Justice Services which starts on July 1, 2022. In addition, the Department seeks to increase the not-to-exceed amount of the Agreement by an additional \$260,428, in order to compensate PTSI for the additional services to be rendered during the extension period. Accordingly, authority is respectfully requested to retroactively amend the Agreement with PTSI for the provision of pre-trial programs by: 1) extending the term thereof from January 1, 2022 through June 30, 2022; and 2) increasing the not-to-exceed amount authorized thereunder by an additional \$260,428, from an amount not-to-exceed \$640,249, to a new total amount not-to-exceed \$900,677.

Administrative Office



Except as specifically amended hereby, all other terms and conditions set forth in the Agreement shall remain in full force and effect.

The proposed amendment to the Agreement is in the County's best interests regarding fiscal responsibility as the appropriately determined pre-trial release of Defendants and the subsequent ensuring of their attendance at future court appearances through PTSI structured follow up, reduces the necessity for costly and administratively disruptive arrest warrants as well as the significant expense of unnecessary detention.

A resolution to exempt the procurement of the proposed amendment to the Agreement from the requirements of the Westchester County Procurement Policy and Procedures pursuant to Section 3(a) xxi thereof has been submitted separately for your Honorable Board's approval.

Accordingly, I recommend adoption of the annexed Resolution.

RAP/SXP/jpg  
Enclosure

APPROVED BOARD OF ACQUISITION & CONTRACT - 05/05/2022 - RAYMOND GUILLY, SECRETARY

## RESOLUTION

Upon a communication from Rocco A. Pozzi, Commissioner of Probation, be it hereby

**RESOLVED**, that the County of Westchester ("County") is authorized to retroactively amend an agreement with The Pre-Trial Services of Westchester, Inc. ("PTSI") pursuant to which PTSI agreed to provide pre-trial programs to evaluate criminal defendants for potential pre-trial release from prison to ensure defendants' return for future court appearances through PTSI's structured follow-up during the pre-trial release period, for a term commencing January 1, 2021 and expiring on December 31, 2021 for an amount not to exceed \$640,249 payable pursuant to an approved budget (the "Agreement"), in order to: 1) extend the term of the Agreement for an additional six (6) months, from January 1, 2022 through June 30, 2022; and 2) increase the not-to-exceed amount authorized thereunder by an additional \$260,428, from an amount not-to-exceed \$640,249, to a new total amount not-to-exceed of \$900,677, in order to be able to compensate PTSI for additional services to be rendered during the extension period; and be it further

**RESOLVED**, that except as specifically amended hereby, all other terms and conditions set forth in the Agreement shall remain in full force and effect; and be it further

**RESOLVED**, that this Agreement is subject to the County appropriations; and be it further

**RESOLVED**, that this Agreement is also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Contractor, then the Contractor shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further

**RESOLVED**, that the County Executive, or his duly appointed designee, is hereby authorized and empowered to execute any documents and take such actions as may be necessary and appropriate to effectuate the purposes hereof.

Account to be  
Charged/Credited

Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub- Object	Trust Account	Dollars
101	39	1000	4944		\$260,428

Budget Funding Year(s) 2021 Start Date 01/01/2022 End Date 6/30/2022  
(must match resolution)

Funding Source                      Tax Dollars \_\_\_\_\_  
   State Aid \_\_\_\_\_  
   Federal Aid \_\_\_\_\_  
   Other \_\_\_\_\_

**\$260,428**  
(must match resolution)

APPROVED BOARD OF ACQUISITION & CONTRACT - 05/05/2022 - RAYMOND SCULKY, SECRETARY