

George Latimer  
County Executive

**92982**

Date: April 4, 2022

To: The Honorable Board of Acquisition and Contract

From: George Latimer  
County Executive

Re: Resolution to amend resolution # 91215 approved on March 24, 2022, which exempted from the Westchester County Procurement Policy pursuant to Section 3(a)(xxi) thereof, the procurement of an agreement with Community Capital New York to administer payments to grantees in the Business FIRST program for religious and nonprofit corporations, for a term from January 1, 2022 through December 31, 2023, for an amount not-to-exceed \$350,000.00, payable pursuant to an approved budget, and the transfer from the County of up to \$16,650,000.00 to be distributed to recipients who qualify for the program, in order to also include as additional permitted grantees under the Business FIRST program businesses that are certified as Minority or Woman Owned Business Enterprises (MWBES) by the State of New York, or Disadvantaged Business Enterprises (DBEs) by the United States of America.

By way of background, pursuant to resolution # 91211 approved on March 24, 2022, your Honorable Board authorized the County of Westchester (the "County") to enter into the ("Agreement") with Community Capital New York ("CCNY") to administer payments to grantees in the Business FIRST program for religious and nonprofit corporations, for a term from January 1, 2022 through December 31, 2023, for an amount not-to-exceed \$350,000.00, payable pursuant to an approved budget and the transfer up to \$16,650,000.00 to be distributed by CCNY to recipients who qualify for the program. Simultaneously therewith, on March 24, 2022, pursuant to Resolution #91215 (the "March Exemption Resolution"), your Honorable Board exempted the procurement of the Agreement pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy ("County Procurement Policy"). The Agreement has not been executed.

The County now desires to also administer payments under the Business FIRST program to businesses that are certified as Minority or Woman Owned Business Enterprises (MWBES) by the State of New York, or Disadvantaged Business Enterprises (DBEs) by the United States of America. Accordingly, authority is now being requested from your Honorable Board to amend the March Exemption Resolution to also include as additional permitted grantees under the transfer up to

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\$16,650,000.00 to be distributed by CCNY to recipients who qualify for the program businesses that are certified as Minority or Woman Owned Business Enterprises (MWBEs) by the State of New York, or Disadvantaged Business Enterprises (DBEs) by the United States of America.

Pursuant to Section 3(a)xxi, the County 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 interest of the County. CCNY is a not-for-profit corporation and a Community Development Financial Institution which for over 30 years has been working to create a thriving, inclusive and equitable economy where all people have access to build wealth and prosperity for themselves, their families and communities. CCNY drives capital and resources to start-ups and small business owners in the Hudson Valley typically excluded from current systems and to affordable housing development. As the only nonprofit, community-based lender exclusively serving Westchester and the Hudson Valley, and with significant experience in administering payments to local businesses, it is proposed that the County's interest would be best served by exempting the procurement of the Agreement from the County Procurement Policy. A Resolution amending the March Exemption Resolution, which exempted the procurement of the Agreement, is submitted for your consideration.

As I believe this Agreement to be in the best interests of the County, I most respectfully recommend and urge the adoption of the annexed Resolution.

GL/CMC/cmc

APPROVED BOARD OF ACQUISITION & CONTRACT - 05/12/2022 RAYMOND J. SCUDLARK SECRETARY

## **RESOLUTION**

Upon a communication from the County Executive, be it hereby:

**RESOLVED**, that resolution # 91215 approved on March 24, 2022, which determined, pursuant to Section 3(a)xxi of the Westchester County Procurement Policy and Procedures, that application of the procedural requirements contained therein, including the necessity of soliciting proposals, was neither cost effective nor expedient, and accordingly, not in the best interest of the County of Westchester in connection with the procurement of an agreement with Community Capital New York to administer payments to the grantees under the Business FIRST program for religious and nonprofit corporations, for an amount not-to-exceed \$350,000.00, pursuant to an approved budget, and the transfer from the County of up to \$16,650,000 to be distributed by Community Capital New York to eligible grantees, is hereby amended to also include as additional permitted grantees under the transfer up to \$16,650,000.00 to be distributed by CCNY to recipients who qualify for the program businesses that are certified as Minority or Woman Owned Business Enterprises (MWBs) by the State of New York, or Disadvantaged Business Enterprises (DBEs) by the United States of America.

APPROVED BOARD OF ACQUISITION & CONTRACT - 05/12/2022 - BY MEMORANDUM SECRETARY