



George Latimer, County Executive
Leonard G. Townes, Commissioner
Department of Social Services

109959

DATE: November 19, 2024

TO: Board of Acquisition and Contract

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

SUBJECT: Authority to solicit bids by public advertisement for temporary personnel services for the Department of Social Services, for a period of one (1) year commencing January 1, 2025, with the County having two (2) additional one (1) year options thereafter.

Attached for your review and consideration is a proposed resolution that would, if approved by your Honorable Board, authorize the County of Westchester (the "County"), acting by and through its Department of Social Services ("DSS"), to solicit bids by public advertisement for temporary personnel services for DSS (the "Services"), for a period of one (1) year commencing January 1, 2025, with the County having two (2) additional one (1) year options thereafter.

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 are the Services, for which New York State Industries for the Disabled, Inc. ("NYSID") and the New York State Preferred Source Program For New Yorkers Who Are Blind ("NYSPSP") are the only preferred sources.

In accordance with and pursuant to State Finance Law §162, the County notified NYSID and NYSPSP that the County was seeking to procure the Services. NYSID did not respond to the notification within the specified time period. NYSPSP responded to the notification and informed the County that was declining to offer to provide the Services, as it has "no available people at this time."

Accordingly, DSS proceeded with its procurement based upon the steps specified in the New York State Office of General Services ("OGS") "New York State Procurement Council Bulletin: Preferred Source Guidelines" (the "Guidelines") for a situation in which "no preferred source or facilitating entity responds within the 10-day period with a notice of intent, or the preferred source or facilitating entity provides a

notice that they have no interest in providing the required service”¹. The Guidelines specify that, in such a situation, DSS “must next determine if there is an OGS centralized contract that meets its form, function, and utility needs before it may proceed with a competitive procurement.”² DSS reviewed the available OGS centralized contracts and determined that the applicable OGS award would not meet DSS’s form, function and utility needs for the Services.

Therefore, DSS is now proceeding with a competitive procurement for the Services. It should be noted that NYSID and NYSPSP are each still permitted to submit a bid for the Services. However, NYSID and NYSPSP would then be “treat[ed]... as any other vendor” and not be given any special status in the context of the bid.³

The County will require a bid security of \$1,000.00 per bid. As security for the faithful performance of the contract, the successful bidder will be required to post security in the form of cash, certified check, performance and payment bond, or irrevocable letter of credit, in an amount equal to five percent (5%) of the estimated annual contract amount, as calculated based upon the pricing bid by the successful bidder and anticipated usage of the services, and in a form approved by the County Attorney. If such security for the faithful performance of the contract shall be in the form of a performance and payment bond, the Bond Underwriter or Surety must appear on the U.S. Treasury’s listing of approved sureties (Department Circular 570) and all Sureties must be licensed to transact business in New York as a surety company.

I respectfully recommend the adoption of the attached resolution.

LGT/VR/bdm/nn

¹ See: https://ogs.ny.gov/system/files/documents/2024/04/preferred-source-guidelines_0.pdf, Section 4.2, Step 3(C).

² Ibid.

³ Ibid.

RESOLUTION

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

RESOLVED, that the Commissioner of Social Services be and hereby is authorized to solicit bids by public advertisement on the following contract:

**TEMPORARY PERSONNEL SERVICES
FOR THE DEPARTMENT OF SOCIAL SERVICES**

**FOR A PERIOD OF ONE (1) YEAR
COMMENCING JANUARY 1, 2025,
WITH THE COUNTY HAVING TWO (2) ADDITIONAL
ONE (1) YEAR OPTIONS THEREAFTER**

; and be it further

RESOLVED, that a bid security of One Thousand Dollars (\$1,000.00) shall be required for each bid package; and be it further

RESOLVED, that, as security for the faithful performance of the contract, the successful bidder will be required to post security in the form of cash, certified check, performance and payment bond, or irrevocable letter of credit, in an amount equal to five percent (5%) of the estimated annual contract amount, as calculated based upon the pricing bid by the successful bidder and anticipated usage of the services, and in a form approved by the County Attorney; and be it further

RESOLVED, that if such security for the faithful performance of the contract shall be in the form of a performance and payment bond, the Bond Underwriter or Surety must appear on the U.S. Treasury's listing of approved sureties (Department Circular 570) and all Sureties must be licensed to transact business in New York as a surety company; and be it further

RESOLVED, that such advertisement shall appear in the following County newspaper(s):

THE JOURNAL NEWS (Westchester Edition)

; and be it further

RESOLVED, that this advertisement for bids will state that pursuant to Chapter 308 of the Laws of the County of Westchester, the policy of the County is to encourage the meaningful and significant participation on County contracts for business enterprises owned by persons of color and women - Minority Business Enterprise (MBE) and Women Business Enterprise (WBE).

Account to be Charged/Credited:

Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars
					N/A

Budget Funding Year(s): N/A

Start Date: 1/1/2025 End Date: 12/31/2025
(must match resolution)

Funding Source:

Federal	N/A	CFDA#(s)	N/A		
State	N/A	State ID#(s)	N/A		
Operating/Tax Levy	N/A				
Capital	N/A				

Total NTE: \$N/A

(must match resolution)

APPROVED BOARD OF ACQUISITIONS CONTRACT 11/20/2024 - RAYMOND SCULKY, SECRETARY