

George Latimer
County Executive

102954

Date: August 22, 2023

To: The Honorable Board of Acquisition and Contract

From: George Latimer
County Executive

Re: Authority to amend an agreement with Community Capital New York, Inc. (CCNY), for the administration of payments to local not-for-profit and religious corporations under the Business FIRST program, including MBEs/WBEs, DBEs and Service-Disabled Veterans in order to extend the term of the agreement by seven months, until July 31, 2024 and expand the scope of the market analysis to include one (1) additional municipality to the market study, with the purpose of revitalizing the downtowns areas of five (5) pilot towns, for a revised subcontracted amount not to exceed \$277,600.00.

By resolution approved on March 24, 2022 ("March Resolution"), your Honorable Board authorized the County of Westchester ("County"), acting by and through its Office of the County Executive, to enter into an agreement ("Agreement") with Community Capital New York, Inc. ("CCNY"), to administer payments to permitted grantees under the Business FIRST program ("Program"), to assist religious and nonprofit corporations who qualify for financial assistance under the Program, and to authorize the County to transfer to CCNY up to \$16,650,000.00 to be distributed to such permitted recipients who qualify for the Program, for a term from January 1, 2022 through December 31, 2023, for an amount payable to CCNY under the Agreement not-to-exceed \$350,000.00. In connection with the administration of payments to such religious and not-for-profit corporations under the Program, the County was to be reimbursed an amount up to \$17,000,000.00 in American Rescue Plan Act federal funds.

By resolution approved on May 12, 2022 ("May Resolution"), your Honorable Board authorized the County to amend the March Resolution to also add businesses certified as Minority or Women Owned Business Enterprises ("MWBEs") by the State of New York and Disadvantaged Business Enterprises ("DBEs") certified by the United States of America in order to permit such entities to qualify for the Program, in addition to religious and nonprofit corporations. The Agreement was subsequently executed.

By resolution approved on December 15, 2022 ("December 22 Resolution") your Honorable Board authorized the County to amend the Agreement ("First Amendment") in order to, amongst other things: i)

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expand the scope of services in the Agreement to include additional administrative tasks and services required of CCNY to implement the Program, including the completion of a market analysis ("Market Analysis"), to be prepared by JGSC Group LLC ("JGSC"), with the purpose of revitalizing the downtown areas of four (4) pilot towns identified therein; ii) increase the not-to-exceed fee to be paid to CCNY under the Agreement by \$1,350,000.00, for a total not-to-exceed fee to be paid to CCNY of \$1,700,000.00, in order to compensate CCNY for additional administrative tasks and services in implementing the Program, including the completion of the Market Analysis, with the County transferring to CCNY an amount up to \$15,300,000.00 to be distributed to permitted grantees; iii) to authorize CCNY to subcontract the portion of the work related to the Market Analysis to JGSC Group LLC for a subcontracted amount not to exceed \$250,000.00; and iv) add business enterprises owned and controlled by Service-Disabled Veterans (SDVBE) as eligible grantees to qualify for the Program under the Agreement. The First Amendment was subsequently executed.

The County now desires to further amend the Agreement in order to i) extend the term of the agreement by seven months, from January 1, 2024 through July 31, 2024, and ii) expand the scope of the Market Analysis to be prepared by JGSC, to include one (1) additional municipality for the purpose of revitalizing the downtowns areas of a total of five (5) pilot towns in Westchester County to be identified therein, for a revised subcontracted amount not to exceed \$277,600.00, at no additional cost to the County.

Accordingly, authority is now respectfully requested from your Honorable Board to authorize the County to further amend the Agreement ("Second Amendment") in order to i) extend the term of the agreement by seven months, from January 1, 2024 through July 31, 2024, and ii) expand the scope of the Market Analysis to be prepared by JGSC, to include one (1) additional municipality for the purpose of revitalizing the downtowns areas of a total of five (5) pilot towns in Westchester County to be identified therein, for a revised subcontracted amount not to exceed \$277,600.00, at no additional cost to the County.

Except as herein modified, all other terms and conditions of the Agreement will remain unchanged and in full force and effect.

Please note that a separate resolution is being submitted to your Honorable Board to exempt the Second Amendment from the Westchester County Procurement Policy pursuant to Section 3(a) xxi.

The goals and objectives of the Agreement, as amended, are to financially support Westchester County religious and not-for-profit corporations, including certified MWBEs, DBEs and SDVBEs that have been negatively impacted by the COVID-19 pandemic through monetary grants, thus assisting these businesses remaining financially viable.

Accordingly, your favorable action on the annexed Resolution is most respectfully urged and recommended.

GL/cmc

RESOLUTION

Upon a communication from the County Executive, be it hereby

RESOLVED, that the County of Westchester ("County") is authorized to amend an agreement ("Agreement") with Community Capital New York, Inc. ("CCNY"), to administer payments to grantees under the Business FIRST program for religious and nonprofit corporations including businesses certified as Minority or Woman Owned Business Enterprises (MWBs), Disadvantaged Business Enterprises (DBEs) and Service-Disabled Veterans (SDVBs), who qualify for the program, with the County transferring up to \$15,300,000.00 to CCNY to be distributed to such eligible grantees, and to prepare a market analysis to revitalize the downtown areas of four (4) pilot towns in Westchester, for a term from January 1, 2022 through December 31, 2023, and a not to exceed amount of \$1,700,000.00, in order to i) extend the term of the agreement by seven months, from January 1, 2024 through July 31, 2024 and ii) expand the scope of the market analysis to be provided by JGSC Group LLC, to include one (1) additional municipality in the market study for the purpose of revitalizing the downtown areas of a total of five (5) pilot towns in Westchester, for a revised subcontracted amount not to exceed \$277,600.00, at no additional cost to the County; and be it further

RESOLVED, that all remaining terms of the Agreement shall remain unchanged; and be it further

RESOLVED, that the County Executive or his duly appointed designee be, and hereby is, authorized to take such action and execute such documents as may be necessary and proper to effect the purposes hereof.

Account to be Charged/credited	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	101	11	0710	5125		1,700,000.00
	101	11	0710	5125		15,300,000.00

Budget Funding Year(s) 2022-2024 Start Date 01/01/2022 End Date 07/31/2024
(must match resolution)

Funding Source Tax Dollars 100%

State Aid _____

\$17,000,000.00 Federal Aid _____

(must match resolution) Other _____