

103305

DATE: September 12, 2023

TO: Honorable Board of Acquisition and Contract

FROM: George Latimer.
County Executive

SUBJECT: Authority to enter into a first amendment to an agreement with Aero-Ba-Soul, Inc. for provision of technical assistance to minority and women-owned business enterprises in Westchester County in order to guide them through the federal, state and local procurement and certification processes, for a term from January 1, 2023 through December 31, 2023, in an amount not to exceed \$60,000.00, by increasing the not-to-exceed amount by \$15,000 to a new total aggregate not-to-exceed amount of \$75,000.

By resolution approved on February 9, 2023, your Honorable Board authorized the County of Westchester (the "County") to enter into an agreement with Aero-Ba-Soul, Inc. ("Aero-Ba-Soul") pursuant to which Aero-Ba-Soul agreed to provide technical assistance to minority and women-owned business enterprises ("MWBEs") in Westchester County in order to guide them through the federal, state and local procurement and certification processes, for a term from January 1, 2023 through December 31, 2023, in an amount not to exceed \$60,000.00, payable pursuant to an approved budget (the "Agreement"). The Agreement was subsequently executed.

Authority is now requested for the County to enter into a first amendment to the Agreement in order to increase the not-to-exceed amount thereof by \$15,000 to a new total aggregate amount not to exceed of \$75,000, in order to compensate the vendor for additional services provided ("First Amendment").

Pursuant to the proposed First Amendment, Aero-Ba-Soul will continue to provide consulting services to Westchester County based MWBEs including, but not limited to, the following:

1. Provide group and individual business coaching and technical assistance to assist MWBEs with navigating through the Westchester County, New York City ("NYC"), New York State ("NYS"), and Federal government procurement process as they seek procurement opportunities to grow their businesses;
2. assist MWBEs in preparing their NYC and/or NYS MWBE certification application packages;

3. assist MWBEs in registering with Westchester County's Minority and Women Owned Business Program;
4. connect MWBEs with local community partners as resources for business networking opportunities and professional development.

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

The proposed First Amendment will serve a public purpose by providing technical assistance to minority and women-owned business enterprises in Westchester County in order to guide them through the federal, state and local procurement and certification processes.

The goal and objective of the proposed First Amendment is to assist MWBEs in growing their businesses by providing them with technical assistance to guide them through the federal, state and local procurement and certification processes.

The goal and objective of the proposed First Amendment will be tracked and monitored by the staff of the Office of the County Executive.

By separate resolution of even date herewith, your Honorable Board authorized an exemption of this proposed First Amendment from the requirements of the Westchester County Procurement Policy in accordance with Section 3 (a) xxi thereof.

Accordingly, approval of the annexed proposed Resolution is requested.

APPROVED BOARD OF ACQUISITION & CONTRACTING
09/21/2023
RAYMOND SCULKY, SECRETARY

RESOLUTION

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

RESOLVED, that the County of Westchester (the "County") is hereby authorized to enter into first amendment to its agreement ("Agreement") with Aero-Ba-Soul, Inc. ("Aero-Ba-Soul"), pursuant to which Aero-Ba-Soul agreed to provide technical assistance to minority and women-owned business enterprises ("MWBES") in Westchester County ("County") in order to guide them through the federal, state and local procurement and certification processes, for a term from January 1, 2023 through December 31, 2023, in an amount not-to-exceed \$60,000.00, payable pursuant to an approved budget, in order to increase the not-to-exceed amount thereunder by \$15,000, to a new total aggregate not-to-exceed amount of \$75,000; and be it further

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

RESOLVED, that this First Amendment is subject to County Appropriations; and be it further

RESOLVED, that this First Amendment 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 officers 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 authorized designee is empowered to execute all documents and take all actions necessary to effect the purpose of this resolution.

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars
101	11	0710	4380		\$15,000.00

Budget Funding Year(s): 2023 Start Date: 01/01/2023 End Date: 12/31/2023

(Must match resolution)

Funding Source

Tax Dollars: \$15,000.00

State Aid:

Federal Aid:

Other:

APPROVED BOARD OF ACQUISITION & CONTRACT - 09/21/2023 - RAYMOND SCULKY, SECRETARY