

George Latimer  
County Executive

**95538**

Date: August 16, 2022

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. for the administration of payments to local businesses and nonprofits grantees in the Business FIRST and the Launch1000 programs, in order to: i) reduce the amount to be transferred to Community Capital New York by \$15,223,590.00, from an amount of \$17,223,590.00 to a total amount of \$2,000,000.00 ii) extend the term of the Agreement from January 1, 2023 through July 31, 2023 for the distribution of approximately \$802,600.00 of unspent funds to grantees who qualify for the Launch1000 program only; iii) increase the fee to be paid to Community Capital New York by an amount of \$125,000.00, payable with the unspent funds, payable pursuant to a revised payment schedule; iv) revise the scope of services to add new task milestones and payment schedule; and v) revise the source of funding reflected in the Agreement from American Rescue Plan Act funding and County tax dollars to County tax dollars only.

By resolution # 87542 approved on September 23, 2021 ("September 2021 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 grantees under the Business FIRST and the Launch1000 programs to assist local businesses and nonprofits who qualify for financial assistance under the programs, for a term from January 1, 2021 through December 31, 2021 and for an amount not-to-exceed \$248,400.00, payable pursuant to an approved budget, and to authorize the transfer from the County to CCNY of up to \$12,198,400.00 in Coronavirus Aid, Relief, and Economic Security ("CARES") Act funding to be distributed to such recipients who qualify for the programs. The Agreement was subsequently executed.

By resolution # 88476 approved on October 28, 2021 ("October 2021 Resolution"), your Honorable Board authorized the County to amend the Agreement ("First Amendment") in order to: i) authorize an increase in the amount to be transferred from the County to CCNY by \$5,025,190.00, bringing the total amount to be transferred to CCNY to administer the programs to \$17,223,590.00; ii) extend the term of the Agreement for one additional year, for a term commencing on January 1, 2021 and expiring on December 31, 2022; iii) increase the fee to be paid to CCNY by an amount of \$25,190.00, for a total not to exceed

Office of the County Executive

Michaelian Office Building  
148 Martine Avenue  
White Plains, New York 10601

Email: CE@westchestergov.com  
Telephone: (914)995-2900

westchestergov.com

amount to be paid to CCNY of \$273,590.00, payable at the agreed upon rates set forth in the revised scope of work attached to the proposed resolution; iv) revise the scope of services in order to reflect the extended term and increased amounts to be administered under the Business First and the Launch1000 programs; and v) revise the source of funding reflected in the Agreement from CARES Act to American Rescue Plan Act funding and County tax dollars.

Authority is now respectfully requested from your Honorable Board to authorize the County to further amend the Agreement ("Second Amendment") in order to: i) reduce the amount to be transferred to Community Capital New York by \$15,223,590.00, from a total amount of \$17,223,590.00 to a new total amount of \$2,000,000.00; ii) extend the term of the Agreement for a period of seven (7) months, from January 1, 2023 through July 31, 2023 for the distribution of approximately \$802,600.00 of unspent funds to grantees who qualify for the Launch1000 program only; iii) increase the fee to be paid to Community Capital New York by an amount of \$125,000.00, payable with the unspent funds, for a total not to exceed amount under the contract of \$398,590.00, payable pursuant to a revised payment schedule; iv) revise the scope of services to add new task milestones and payment schedule, as set forth in Schedule "A-1" attached to the resolution; and v) revise the source of funding reflected in the Agreement from American Rescue Plan Act funding and County tax dollars to County tax dollars only.

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 and Procedures pursuant to Section 3(a) xxi.

The goals and objectives of the Agreement, as amended by the First Amendment and the Second Amendment, are to support Westchester County businesses that have been negatively impacted by the COVID-19 pandemic through monetary grants, thus assisting these businesses in 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 and the Launch1000 programs for local businesses and nonprofits, in order to: i) reduce the amount to be transferred to Community Capital New York by \$15,223,590.00, from a total amount of \$17,223,590.00 to a new total amount of \$2,000,000.00; ii) extend the term of the Agreement for a period of seven (7) months from January 1, 2023 through July 31, 2023 for the distribution of approximately \$802,600.00 of unspent funds to grantees who qualify for the Launch1000 program only; iii) increase the fee to be paid to Community Capital New York by an amount of \$125,000.00, payable with unspent funds, for a total not to exceed amount under the contract of \$398,590.00, payable pursuant to a revised payment schedule; iv) revise the scope of services to add new task milestones and payment schedule, as set forth in Schedule "A-1" attached hereto and made a part hereof; and v) revise the source of funding reflected in the Agreement from American Rescue Plan Act funding and County tax dollars to County tax dollars only; 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		(\$15,223,590)

Budget Funding Year(s) 2021-2023 Start Date 01/01/2021 End Date 07/31/2023  
(must match resolution)

Funding Source Tax Dollars (\$15,223,590)  
State Aid \_\_\_\_\_  
(\$15,223,590) Federal Aid \_\_\_\_\_  
(must match resolution) Other \_\_\_\_\_

## **SCHEDULE "A-1"**

### **SUPPLEMENTAL SCOPE OF SERVICES**

Community Capital New York, Inc. ("Community Capital") is a not-for-profit Community Development Financial Institution ("CDFI") and certified SBA Microlender that has been serving Westchester and the Hudson Valley for over 30 years.

**Contract Term:** 1/1/2021 – 07/31/2023

#### **Launch1000 Scope of Work**

- Work with Westchester County to produce grant agreement, including reporting requirements, which will inform correspondence -templates with grantees
- Disburse agreements to grantees based upon databases provided by County
- Disburse grants to grantees once fully executed agreements and supporting documents have been provided to CCNY
- Review final reports, upon completion of the program, ensuring all required documentation has been provided

#### **Fee Structure**

- 50% (\$62,500) due November 30, 2022 (tied to the disbursement of agreements and grants)
- 25% (\$31,250) due February 1, 2023 (tied to creation/distribution of 1099s)
- 25% (remaining \$31,250) due July 1, 2023 (tied to final reports)

In addition to the invoice, CCNY will provide the County with an invoice on or about the dates above with a status update (funds disbursed, final reports received). Once approved, CCNY will pay itself from funds on-hand.