

George Latimer
County Executive

95539

Date: August 16, 2022

To: The Honorable Board of Acquisition and Contract

From: George Latimer
County Executive

Re: Authority to exempt from the Westchester County Procurement Policy pursuant to Section 3(a)(xxi) thereof, the procurement of a second amendment to an agreement between the County of Westchester and Community Capital New York, Inc., pursuant to which it will administer 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 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 from January 1, 2023 through July 31, 2023 for the continued 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; 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 approved on September 23, 2021 ("September 2021 Resolution"), your Honorable Board exempted from the Westchester County Procurement Policy pursuant to Section 3(a)(xxi) thereof, the procurement of an agreement ("Agreement") between County of Westchester ("County"), acting by and through its Office of the County Executive, and 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.

Thereafter, by resolution approved on October 28, 2021 ("October 2021 Resolution"), your Honorable Board exempted from the Westchester County Procurement Policy pursuant to Section 3(a)(xxi) thereof, the procurement of an amendment to an existing agreement ("First Amendment") between County

Office of the County Executive

and CCNY in order to: i) authorize an increase in the amount to be transferred from the County to CCNY by an additional amount of \$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 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.

The County now desires to exempt from the County Procurement Policy, pursuant to Section 3(a)(xxi) thereof, the procurement of a second amendment to the Agreement ("Second Amendment") to: i) reduce the amount to be transferred to CCNY 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 CCNY by \$125,000.00, payable with unspent funds, for a total not to exceed amount under the Agreement 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; 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.

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 an amendment to the Agreement from the County Procurement Policy.

An appropriate resolution to accomplish the above proposed changes is herewith attached.

GL/cmc

RESOLUTION

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

RESOLVED, that pursuant to Section 3(a)xxi of the Westchester County Procurement Policy it is hereby determined that application of the procedural requirements contained therein, including the necessity of soliciting proposals, is neither cost effective nor expedient, and accordingly, not in the best interest of the County of Westchester in connection with the procurement of an amendment to an agreement with Community Capital New York, Inc. ("CCNY"), pursuant to which CCNY was to administer payments to the local businesses and not-for-profit grantees under the Business FIRST and the Launch1000 programs, in order to i) reduce the amount to be transferred to CCNY 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 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 CCNY 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; 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.