

# County of Westchester

## Board of Acquisition and Contract

### Meeting Minutes

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Thursday, June 1, 2023

11:00 AM

County Executive Conference Room  
Michaelian Office Building

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#### Roll Call

**Present:** Mr. Kenneth W. Jenkins, Mr. Lawrence C. Soule, and Mr. Vedat Gashi

#### Attendees:

Commissioner of Finance	Karin Hablow
Associate Chief Deputy County Attorney	Tami Altschiller
Board of Legislators	Greg Casciato
Board of Legislators	Lisa Hochman
Board of Legislators	Santiago Caceres
Secretary BAC	Raymond Sculky
Assistant Secretary BAC	Joan Cocciardi

**Mr. Jenkins presided.**

**Mr. Jenkins said, “The Board of Acquisition and Contract permits in-person access to the meeting and virtually through Webex.**

**For the record, has the Secretary gone to the reception area to invite any members of the public who wish to attend today’s meeting in person to come to this conference room?”**

**Mr. Sculky said, “Yes I have.”**

**Mr. Jenkins said, “I understand that the Budget Director wishes to speak.”**

**Mr. Soule said, “The Members of the Board of Acquisition and Contract received a memorandum from the Commissioner of Social Services declaring an emergency situation that cannot await competitive bidding.**

**As your Honorable Board is aware, the County of Westchester owns the Grasslands Homeless Shelter at 25 Operations Drive in Valhalla. The Facility is under the jurisdiction of the County’s Department of Social Services and is currently operated for DSS by Westchester Community Opportunity Program, Inc. under an agreement for such services. In order to maintain security at the Facility, the County has, for many years, entered into a separate agreement for security services. In 2017, the County**

entered into the most recent such agreement, which was with Century Protective Services, Inc. Under that agreement, CPS was to provide security services at the Facility, for the period from October 1, 2017 through September 30, 2019, with a County option to extend the term of the contract for up to four additional one year periods. The County has exercised all four renewal options, with the CPS Agreement, consequently, now due to expire on September 30, 2023.

On April 22, 2023, at 7:07 pm, a shelter resident entered the Facility carrying a bag. The bag was put through the metal detector. As the bag went through the metal detector, the CPS security guard on duty saw a gun in the bag. At this time, the guard did not say anything or report this finding. Twenty-five minutes later, at 7:32 pm, the CPS guard in question reported the presence of the gun in the bag to her supervisor. Fifteen minutes after that, at 7:47 pm, a CPS staff member, other than the security guard in question, and WestCOP personnel, located the resident and took the bag with the gun in it away from him. It was then discovered that the item in the bag was a BB gun. When asked why she did not immediately report the presence of the gun in the bag, the security guard in question stated that, upon seeing the gun go through the metal detector, she “panicked” and feared that the resident would use the gun against her if she made an attempt to remove it.

This incident is but the latest in a series of security lapses by CPS that have occurred at the Facility in recent months. On October 24, 2022, a female shelter resident was attacked by a male shelter resident who repeatedly punched the female resident in the face. Although present at the scene, the CPS security guard on duty did not respond to the incident and provide aid to the victim, such as escorting the victim out of the room to a safe and secure location. Similarly, on January 2, 2023, a CPS security guard failed to call EMS for a client in a medical crisis. Another individual at the Facility contacted EMS. When EMS finally arrived at the Facility, the CPS security guard on duty failed to open the entrance gate to the Facility in a timely fashion. This resulted in the EMS responder having to circle the Facility twice before gaining access, which delayed EMS from providing needed medical assistance to the client in a medical crisis. CPS and its President and CEO, Nelson V. Soracco, have been put on notice of each of these incidents, but have failed to implement an effective corrective action plan to address whatever underlying issues may be causing these incidents.

It is DSS’s opinion that this most recent incident, and the related possibility of continued, future security lapses by CPS at the Facility, necessitates the termination of the CPS Agreement. However, DSS cannot go without the Services for any period of time. Accordingly, while DSS believes that it is necessary that the County terminate the CPS Agreement as soon as possible, such termination can only occur when a replacement agreement for the Services is in place with another contractor. Given the circumstances, procuring such a replacement agreement cannot await new competitive bidding, as that would necessitate CPS remaining in place for several additional weeks or months.

Accordingly, in order to ensure that DSS receives the Services from a new contractor as soon as possible, DSS has determined that it will be submitting a resolution to your Honorable Board requesting approval of an emergency contract with another contractor to perform the Services through September 30, 2023, at which point the CPS Agreement would have expired in any case. For services starting October 1, 2023, DSS intends to prepare and issue a bid solicitation for a new contract, just as it had already anticipated doing, given the aforementioned pending expiration of the CPS Agreement. This stop-gap emergency contract will allow time for DSS to prepare for, and issue, a new bid solicitation, under the normal bid process, with the reduced urgency and longer procurement time frame that are anticipated to best enable the County to attract suitable and reasonably-priced contractors for Services for the period starting October 1, 2023.”

Mr. Jenkins said, “Thank you Mr. Soule. I direct the Secretary to the Board of Acquisition & Contract to include the memo from the Commissioner of Social Services as part of the minutes of today’s meeting.

I understand the Budget Director wishes to make two motions.”

Mr. Soule said, “I move to add item 17, Onbase ID 101607, Resolution authorizing the County of Westchester to enter into an Emergency Contract (DSS3029-23) with Westchester Community Opportunity Program, Inc. for Security Guard Services for the Department of Social Services Grasslands Shelter at 25 Operations Drive, Valhalla Campus, Valhalla, New York, for the period from June 12, 2023 through September 30, 2023, for a total amount not-to-exceed \$315,517.00, payable monthly pursuant to an approved budget.”

Mr. Gashi seconded the motion and it was unanimously approved.

Mr. Jenkins said, “Next motion please.”

Mr. Soule said, “I move to add item 18, Onbase ID 101609, Resolution authoring the County of Westchester to enter into an agreement with Tony Orlando Productions, LLC for the performance of a concert at the Westchester County Center on July 21, 2023 in an amount not to exceed \$50,000 and to enter into an agreement with Coda Productions for the performance of a concert at the Westchester County Center of July 21, 2023 in an amount not to exceed \$42,500. These concerts are in connection with the American Legion Convention.”

Mr. Gashi seconded the motion and it was unanimously approved.

**Acquisition & Contract.**

Minutes of the meeting 5/25/23 and the SEQR Review for agenda items.

R. Sculky

**Mr. Jenkins moved to receive and file the foregoing minutes and SEQR review, which were duly seconded and approved.**

1. [101126](#) **County Executive/Office for Women - 1)** Amend a grant agreement with the New York State Office of Indigent Legal Services for a model Family Representation Office, for the period 10/1/19 - 9/30/23, for an amount not to exceed \$2,610,417, in order to extend the term of the Grant Agreement by one (1) year, for a new termination date of 9/30/24; and **2)** amend an agreement with Legal Services of the Hudson Valley to provide legal representation to parents in child protective proceedings under New York Family Court Act, Article 10, and termination of parental rights proceedings to improve the quality of services provided under Article 18-B, for the 10/1/19 - 9/30/23, for an amount not to exceed \$2,610,417, in order to extend the term of the agreement by one (1) year, for a new termination date of 9/30/24.

G. Latimer

R. Schlaff

**Mr. Jenkins moved the Resolution, which was duly seconded and unanimously approved.**

2. [101178](#) **Board of Legislators -** Enter into an agreement with Westchester Children's Association, Inc. ("WCA"), for which WCA will, among other things, convene workshops and educational events with key leaders and decision makers to further analyze existing mental health issues of school aged children, review and report on the findings from an Invest in Kids pilot program and educate the community on the social and emotional health of children and actionable steps to repair damage on children's mental health brought about by the Covid-19 pandemic and long-lasting inequities, from 1/1/23 - 12/31/23, for an amount not to exceed \$57,000, payable half upon execution of the agreement and half on or about 9/1/23.

V. Gashi

**Mr. Jenkins moved the Resolution, which was duly seconded and unanimously approved.**

3. [101113](#) **Information Technology** - Enter into an agreement with The Spectrum Firm, Inc. ("TSF"), for Federal Communications Commission ("FCC") radio frequency licensing services for multiple transmitter locations in the Ultra-High Frequency ("UHF") and Very-High-Frequency ("VHF") bands, for a term of four (4) years, commencing upon execution of the agreement by both parties, for a total amount not to exceed \$20,000, payable at a rate of \$180 per hour (\$250 for in depth regulatory consultation services). Approval of Fox Ridge Communications, Inc., Gettysburg, PA, as a subconsultant.

M. Beirne

**Mr. Jenkins moved the Resolution, which was duly seconded and unanimously approved.**

4. [101153](#) **County Attorney** - Settle the lawsuit titled *Natkin v. Fireblast Global, Inc.*, No. 21-cv-3132 (KMK) (PED) (S.D.N.Y.) by payment from the County of Westchester to Fireblast Global, Inc. in an amount not to exceed \$50,000.

J. Nonna

**Mr. Jenkins moved the Resolution, which was duly seconded and unanimously approved.**

5. [101461](#) **Planning** - Amend an agreement with Freedom Gardens for the Handicapped, Inc., for which Freedom Gardens agreed to renovate an existing two-bedroom rental apartment ("Unit #8") located at 1680 Strawberry Road, in the Town of Yorktown, for the period from 7/15/20 - 5/31/23, for an amount not-to-exceed \$255,485 in CDBG funding, in order to change the expiration date from 5/31/23 **to** 12/31/23.

B. Lopez

**Mr. Jenkins moved the Resolution, which was duly seconded and unanimously approved.**

6. [101088](#) **College** - Extend the term of the agreement with Berry Dunn McNeil & Parker, LLC, for the provision of consulting services to Westchester Community College consisting of a review of the College's Information Technology programs and systems and related matters through 9/30/23, at no additional cost to the College.

B. Miles

**Mr. Jenkins moved the Resolution, which was duly seconded and unanimously approved.**

7. [101282](#) **College** -- Pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, to exempt from procurement an agreement with UMR, Inc.

B. Miles

**Mr. Jenkins moved the Resolution, which was duly seconded and unanimously approved.**

8. [101283](#) **College** - Amend an agreement with UMR, Inc., for which UMR provided third party administrator services and preferred provider organization network services and related services in connection with the College's benefit plans for employees and retirees, by extending the term of the agreement by three (3) years, through the period from 1/1/22 - 12/31/24, is hereby modified by inserting a new second 'RESOLVED' clause, in between the existing first and second 'RESOLVED' clauses, with the new second 'RESOLVED' clause reading as follows: "RESOLVED, that the total amount payable to UMR, Inc. for the services being provided during the full term of the agreement is hereby authorized to be increased by \$1,200,000, to a new total amount not-to-exceed \$2,780,000.

B. Miles

**Mr. Jenkins moved the Resolution, which was duly seconded and unanimously approved.**

9. [101161](#) **Corrections** - Enter into a sixth amendment to an agreement with Aramark Correctional Services, Inc., to provide food service at the Westchester County Department of Correction, in order to increase the not to exceed amount for 2022 from \$1,791,393 to \$2,151,918, an increase of \$360,525, payable at the rates specified in the agreement.

J. Spano

**Mr. Jenkins moved the Resolution, which was duly seconded and unanimously approved.**

10. [101433](#) **Public Safety** - Enter into a Memorandum of Understanding ("MOU") with the United States Secret Service for the County to participate in the Electronic Crimes Task Force, commencing upon full execution of the MOU and terminable at any time upon mutual consent of the parties or unilaterally upon thirty (30) days written notice from the terminating party to the other party, at no cost to the County.

T. Raynor

**Mr. Jenkins moved the Resolution, which was duly seconded and unanimously approved.**

11. [101042](#) **DPW/Transportation** - Consent to the assignment of Agreement No. 21-937, dated 11/29/21, for electrical engineering consulting services for various Environmental Facilities projects, from LynStaar Engineering, P.C., a WBE firm, **to** Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services, D.P.C., a WBE firm, 217 Montgomery Street, Suite 1100, Syracuse, New York 13202, effective as of the date of execution of the assignment.

H. Greechan

**Mr. Jenkins moved the Resolution, which was duly seconded and unanimously approved.**

12. [101043](#) **DPW/Transportation** - Consent to the assignment of Agreement No. 22-902, dated 3/3/22, for electrical engineering consulting services for various projects, from LynStaar Engineering, P.C., a WBE firm, **to** Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services, D.P.C., a WBE firm, 217 Montgomery Street, Suite 1100, Syracuse, New York 13202, effective as of the date of execution of the assignment.

H. Greechan

**Mr. Jenkins moved the Resolution, which was duly seconded and unanimously approved.**

13. [101094](#) **DPW/Transportation** - Contract No. 22-532 for Air/Vacuum Release Valves Installation, North Yonkers Pump Station Force Main, Yonkers, New York. Award to the Low Bidder, Mace Contracting Corporation (MBE), New Rochelle, in the amount of \$1,993,000. (4 bids)

H. Greechan

**Mr. Jenkins moved the Resolution, which was duly seconded and unanimously approved.**

14. [101095](#) **DPW/Transportation** - Amend Agreement No. 19-910 with D&B Engineers and Architects, P.C., White Plains, be amended to provide for engineering services in connection with Water and Electric Service Upgrades, George's Island Park, Town of Cortlandt, New York. The Consultant shall provide construction administration services associated with this project, and that for the additional services rendered in accordance with the Consultant's proposal, D&B Engineers and Architects, P.C., shall be paid a fee of \$100,000, increasing the total maximum fee to \$285,125, with the completion date of the agreement to be extended to 12/31/26.

H. Greechan

**Mr. Jenkins moved the Resolution, which was duly seconded and unanimously approved.**

15. [101316](#) **DPW/Transportation** - Contract No. 21-516 with Mace Contracting Corporation, a MBE firm, for Tarrytown Lighthouse Restoration, Kingsland Point Park, Village of Sleepy Hollow, New York. Approval of Custom Marine Inc., 23 Hickory Hill Drive, Dobbs Ferry, as a subcontractor.

H. Greechan

**Mr. Jenkins moved the Resolution, which was duly seconded and unanimously approved.**

16. [101449](#) **DPW/Transportation** - Contract No. 19-530 with PCI Industries Corp., for Rehabilitation of Two Bronx River Parkway Bridges (North and South of Leewood Drive) over the Bronx River (BINs 3348829 & 3348839), Town of Eastchester and City of Yonkers, New York. Approval of Petrillo Contracting, Inc., Mount Vernon, as a subcontractor.

H. Greechan

**Mr. Jenkins moved the Resolution, which was duly seconded and unanimously approved.**

17. [101607](#) **Social Services** - Enter into an Emergency Contract (DSS3029-23) with Westchester Community Opportunity Program, Inc. ("WestCOP"), pursuant to which WestCOP will provide the County with Security Guard Services for the Department of Social Services Grasslands Shelter at 25 Operations Drive, Valhalla Campus, Valhalla, New York, for the period from June 12, 2023 through September 30, 2023, for a total amount not-to-exceed \$315,517.00.

L. Townes

**Mr. Jenkins moved the Resolution, which was duly seconded and unanimously approved.**

18. [101609](#) **Parks** - Enter into to an agreement with Tony Orlando Productions, LLC for the performance of a concert at the Westchester County Center on July 21, 2023 in an amount not to exceed \$50,000. The County is further authorized to enter into an agreement with Coda Productions to provide additional musical entertainment at the Concert in an amount not to exceed \$42,500.

K. O'Connor

**Mr. Jenkins moved the Resolution, which was duly seconded and unanimously approved.**

There being no further business, the Chair declared the meeting adjourned. All approved resolutions are on file electronically with the Board of Acquisition and Contract.

I have reviewed the foregoing minutes and have found them to be correct as written.



Signed: *Raymond Sculky*, Secretary

Dated: 06/01/2023