

**MINUTES OF THE MEETING OF THE
COUNTY OF WESTCHESTER
BOARD OF ACQUISITION AND CONTRACT
HELD ON THURSDAY, FEBRUARY 25, 2016 AT 11:00 A.M.**

Deputy County Executive
Chairman, Board of Legislators
Budget Director
Deputy County Attorney
Commissioner of Finance
County Executive's Office
County Executive's Office
County Executive's Office
Budget
Board of Legislators
Board of Legislators
Board of Legislators
Board of Legislators
Secretary BAC
Assistant Secretary

Kevin Plunkett
Michael Kaplowitz
Lawrence Soule
Jim Robertson
AnnMarie Berg
Christine Sculti
Carl Pagano
Patricia Leavy
Pat Haggerty
Greg Casciato
Gary Friedman
Allie Restiano
Larry Goldstein
Lisa Mrijaj
Joan Cocciardi

Mr. Plunkett presided.

Mr. Plunkett said, "For the record, has the Secretary to the Board gone to the reception area to invite any members of the public who wish to attend today's meeting to come to the conference room?"

Ms. Mrijaj confirmed that she had done so.

Mr. Plunkett said, "I understand that the Budget Director wishes to make a motion"

Mr. Soule said, "I move to add item 29 (OnBase ID# 51255) to the agenda. This resolution would authorize the County to enter into an agreement with Volunteers of America-Greater New York, Inc. to provide Shelter Monitoring and Transportation Services for homeless level 2 and level 3 sex offenders who have been placed at the Grasslands Homeless Shelter and are currently serving a parole or probation term for the period from March 1, 2016 through December 31, 2016 for an amount not to exceed \$654,062 to be paid pursuant to an approved budget and subject to appropriation."

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

Mr. Kaplowitz said, "Mr. Deputy County Executive just add the IMA language."

Mr. Plunkett said, "Madame Secretary the language that the Board has asked for any resolutions that are subject to an IMA."

Acquisition & Contract. Minutes of the meeting 2/18/16 and the SEQR Review for agenda items.

L. Mrijaj

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

1. (50718) **DPW/Transportation** – Amend Agreement No. 13-910 with Dvirka and Bartilucci Consulting Engineers, A Division of D&B Engineers and Architects, PC, Woodbury, NY, for engineering services in connection with the Phase II – Cellular Bulkhead Rehabilitation, Yonkers Joint Wastewater Treatment Plant, Yonkers, increasing the amount by \$143,200 for a new total maximum fee of \$393,600.

J. Pisco

Held Over By Board Of Legislators – 2/18/16

Mr. Plunkett moved the resolution, which was duly seconded and unanimously approved.

2. (50834) **Information Technology** - Amend Agreement No. IT-1359 with ASC Staffing, LLC, to provide certain information technology services for a project funded by the United States Department of Labor under its H1-B Ready to Work Partnership Grant Program and under the Workforce Investment Act of 1998, for a period of one (1) year, commencing upon execution, and having the sole option to extend the term for two (2) additional one (1) year periods, by **a)** exercising the County's first option, and thereby extending the term of IT-1359 by one (1) year; **b)** increasing the amount by \$75,000, for a new not to exceed amount of \$225,000, to ensure that adequate funds are available; and **c)** reflecting the change in the name of the limited liability company from ASC Staffing, LLC to ASC Services, LLC.

J. McCaffrey

Mr. Plunkett moved the resolution, which was duly seconded and unanimously approved.

3. (50294) **County Attorney** - Amend an agreement with the TASA Group, Inc. to which TASA referred Dr. Avram H. Mack, M.D., an expert in the field of child and adolescent psychiatry to the County to serve as an expert witness in connection with the lawsuit entitled In The Matter of DJ, a minor child, and Latonia Jones, Individually and on behalf of minor child DJ v. County of Westchester, Rosa Hazory, Elke Knudsen and Lisa Colin, Esq. 14 CIV 7635, from 6/17/15 – 6/16/16, for an amount not to exceed \$40,000, by increasing the total amount by \$10,000, for a new total aggregate amount not to exceed \$50,000, in order to have sufficient funds available and to compensate TASA for the additional services and expenses to be rendered by Dr. Mack.

R. Meehan

Mr. Plunkett moved the resolution, which was duly seconded and unanimously approved.

4. (50764) **County Attorney - 1)** Amend an agreement with Duncan, Weinberg, Genzer & Pembroke, P.C. ("DWGP") to provide all legal services and representation, and related technical, consulting, and expert witness services, that are necessary for administrative proceedings before the New York State Public Service Commission, for an amount not to exceed \$952,313, from 4/23/13 – 4/22/16, with the County having the option to extend the term of the agreement for one (1) one (1) year period thereafter, with the same pricing terms and conditions; and **2)** With DWGP entering into a subcontract with Whitfield Russell Associates for such portion of the Related Services as DWGP may find to be necessary and appropriate to properly represent the County in administrative proceedings before the NYS PSC by exercising its final option under the Agreement and extending the term by one (1) year to a new termination date of 4/22/17.

R. Meehan

Mr. Plunkett moved the resolution, which was duly seconded and unanimously approved.

5. (50819) **County Attorney** - Settle the lawsuit of Fatmata Bangura v. Liberty Lines Inc., et al. by payment from the County of Westchester to Fatmata Bangura in an amount not to exceed \$22,000.

R. Meehan

Mr. Plunkett moved the resolution, which was duly seconded and unanimously approved.

6. (50820) **County Attorney** - Settle the lawsuit of Matthew Hardy v. Liberty Lines Transit, Inc., et al. by payment from the County of Westchester to Matthew Hardy in an amount not to exceed \$15,000.

R. Meehan

Mr. Plunkett moved the resolution, which was duly seconded and unanimously approved.

7. (50821) **County Attorney** - Settle the lawsuit of Diane King v. Liberty Lines Inc., et al. by payment from the County of Westchester to Diane King in an amount not to exceed \$30,000.

R. Meehan

Mr. Plunkett moved the resolution, which was duly seconded and unanimously approved.

8. (50822) **County Attorney** - Settle the lawsuit of Leann and Allan Levin v. Westchester County, by payment from the County of Westchester to Leann and Allan Levin in an amount not to exceed \$60,000.

R. Meehan

Mr. Plunkett moved the resolution, which was duly seconded and unanimously approved.

9. (50842) **Planning** - Pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, to exempt from procurement an agreement with Community Capital New York, Inc.

E. Buroughs

Mr. Plunkett moved the resolution, which was duly seconded and unanimously approved.

10. (50843) **Planning** - Enter into an agreement with Community Capital New York, Inc., to carry out fair and affordable housing and small business activities for an amount not to exceed \$106,090, from 1/1/16 – 12/31/16, for services to provide catalytic “gap” financing to no fewer than three Fair and Affordable housing developments in Westchester County Housing Settlement, under the listed terms and conditions.

E. Buroughs

Mr. Plunkett moved the resolution, which was duly seconded and unanimously approved.

11. (50770) **CE/Emergency Services** - Renew an agreement with the Valhalla Fire District to participate in specialized training and activities with the Grasslands Fire Brigade and fire suppression services on the same terms and conditions from 1/1/16 – 12/31/16, for an amount not to exceed \$45,000, increasing the total contract amount not to exceed \$90,000.

J. Cullen

Mr. Plunkett moved the resolution, which was duly seconded and unanimously approved.

12. (50772) **CE/Emergency Services** - Renew an agreement with the Hawthorne Fire District to participate in specialized training and activities with the Grasslands Fire Brigade and fire suppression services, from 1/1/16 – 12/31/16 for an amount not to exceed \$13,000, increasing the total not to exceed amount to \$26,000.

J. Cullen

Mr. Plunkett moved the resolution, which was duly seconded and unanimously approved.

13. (50355) **Social Services** - Amend a 12/10/15 Resolution with Volunteers of America-Greater New York, Inc., to operate a Special Category Client Monitoring Program to monitor and track the movements of all Level III and Level II sexual offenders residing at the Westchester County Department of Social Services' Grasslands shelter facility who have victimized a child less than 16 years of age, from 10/1/14 – 9/30/15, for an amount not to exceed \$1,121,625, by extending the term of the agreement through 12/31/15 and by increasing the amount by \$280,406, for a new total not to exceed amount of \$1,402,031, be amended to extend the term of the agreement to 2/29/16 and by increasing the amount by \$186,938, for a new total not to exceed amount of \$1,588,969.

K. McGuire

Mr. Plunkett moved the resolution, which was duly seconded and unanimously approved.

14. (50672) **Social Services** - Enter into an agreement with Westhab, Inc., to operate a Tier II Family Shelter at 17 South Second Avenue, Mt. Vernon, for an amount not to exceed \$1,939,344, from 2/1/16 – 1/31/17 under the listed terms and conditions.

K. McGuire

Mr. Plunkett moved the resolution, which was duly seconded and unanimously approved.

15. (50762) **Social Services** - Enter into an agreement with Dr. Anne H. Meltzer, a licensed sexual abuse validator, trained to administer comprehensive psychosocial evaluations of children and adolescents alleged to be victims of sexual abuse in order to determine if the child's presentation is consistent with child sexual abuse, from 1/1/16 – 12/31/16 in an amount not to exceed \$24,073.

K. McGuire

Mr. Plunkett moved the resolution, which was duly seconded and unanimously approved.

16. (50827) **Social Services** - Renew an agreement with Westchester Community Opportunity Program, Inc. for the provision of a New Rochelle Emergency Overnight Shelter in an amount not to exceed \$148,465 from 1/1/16 – 4/30/16.

K. McGuire

Mr. Plunkett moved the resolution, which was duly seconded and unanimously approved.

17. (49506) **Senior Programs** - Enter into an agreement with the New York State Office for the Aging to accept a grant in an amount not to exceed \$68,253 in Federal funds under Title IIID of the Older Americans Act to implement the Chronic Disease Self-Management Program for Seniors, from 1/1/16 – 12/31/16.

M. Carpenter

Mr. Plunkett moved the resolution, which was duly seconded and unanimously approved.

18. (49567) **Senior Programs - 1)** Enter into an agreement with the State of New York, to accept a grant for up to an amount not to exceed \$2,094,699 to provide various nutrition programs for the elderly under Titles IIIC-1, IIIC-2, and the Nutrition Services Incentive Program (“NSIP”) of the Older Americans Act from 1/1/16 – 12/31/16; and **2)** Amend IMA AND IAA agreements with the sixteen (16) entities set forth in Schedule “A” in order to exercise the fourth (4) of the County’s options to renew the agreements for the provision of various nutrition programs for the elderly, for a total aggregate amount not to exceed \$1,516,156 in Federal funds from 1/1/16 – 12/31/16; and **3)** Further amend the agreements with the 16 entities to add certain “Standard Assurances” including federal and state revised statutes, regulations, policies and contract requirements as mandated by the New York State Office for the Aging.

M. Carpenter

Mr. Plunkett moved the resolution, which was duly seconded and unanimously approved.

19. (50755) **Senior Programs -** Enter into an IMA’s with the fifteen (15) municipalities listed in Schedule “A” to provide nutrition site transportation and supportive services transportation services for the elderly pursuant to Title IIIB of the Older Americans Act in the individual amounts in Schedule “A”, for a total aggregate amount not to exceed \$230,021 in Federal funds from 1/1/16 – 12/31/16, for an aggregate amount not to exceed \$159,848 under the listed terms and conditions.

M. Carpenter

Mr. Plunkett moved the resolution, which was duly seconded and unanimously approved.

20. (50864) **Senior Programs -** Enter into an agreement with the State of New York to accept a grant in the amount of \$1,270,448 in State funds to provide various services for the elderly under the Community Services for the Elderly Act Program, from 4/1/16 – 3/31/17.

M. Carpenter

Mr. Plunkett moved the resolution, which was duly seconded and unanimously approved.

21. (50841) **Health -** Amend a 12/17/15 Agreement with Public Health Solutions to accept revenue for the Ryan White Part A Program from 12/1/15 – 2/28/17, in an amount not to exceed \$210,853 by extending the agreement one (1) additional year, from 3/1/17 – 2/28/18 contingent upon the City of New York and Public Health Solutions’ receipt of funding from Part A of the Ryan White HIV/AIDS Treatment Extension Act of 2009, in the sum of \$132,689 for the extended term of the agreement and further amended to add Indemnification Language to proposed agreement.

S. Amler

Mr. Plunkett moved the resolution, which was duly seconded and unanimously approved.

22. (50835) **College –** Contract No. WCC-16-965, for Replacement of Pool Filtration Equipment, Westchester Community College, Valhalla, New York. Advertise for bids.

B. Miles

Mr. Plunkett moved the resolution, which was duly seconded and unanimously approved.

23. (50541) **Parks** - Enter into an agreement with Metro-North Commuter Railroad, 347 Madison Avenue, NY, to co-sponsor a combination discount package to Playland Park to be sold by Metro-North at all New Haven, Hudson and Harlem Line stations from 5/7/16 – 9/5/16 for an estimated amount of \$200,000 under the listed terms and conditions.

O'Connor/Pisco

Mr. Plunkett moved the resolution, which was duly seconded and unanimously approved.

24. (50838) **DPW/Transportation** – Contract No. 12-534, with Sony NY Management & Construction Corp. (MBE), for Roofing Replacement, 25 Moore Avenue, Mount Kisco, New York. Completed work and Final Contract Amount of \$249,000.

J. Pisco

Mr. Plunkett moved the resolution, which was duly seconded and unanimously approved.

25. (50846) **DPW/Transportation** – Contract No. 09-504-Rev. with Caladri Development Corp. for Rehabilitation of Bathhouse – Phase II, Tibbetts Brook Park, Yonkers, New York. Completed work and Final Contract Amount of \$3,569,250.

J. Pisco

Mr. Plunkett moved the resolution, which was duly seconded and unanimously approved.

26. (50847) **DPW/Transportation** – Contract No. 12-511, for Snowden Avenue Interceptor Realignment, Ossining Sanitary Sewer District, Ossining, New York. Advertise for bids.

J. Pisco

Mr. Plunkett moved the resolution, which was duly seconded and unanimously approved.

27. (50848) **DPW/Transportation** – Contract No. 15-564, for Miscellaneous Roadway Improvements, Union Avenue (C.R. #94) From Mamaroneck Avenue to West Street, Town of Harrison, New York. Advertise for bids.

J. Pisco

Mr. Plunkett moved the resolution, which was duly seconded and unanimously approved.

28. (51130) **DPW/Transportation** – Contract No. 14-536-Rev. for Elevator Rehabilitation, 148 Martine Avenue and 112 East Post Road, White Plains, New York. Awarded to Action Elevator, Inc./dba Hudson Elevator Group, in the amount of \$3,545,000. (1 bid)

J. Pisco

Mr. Plunkett moved the resolution, which was duly seconded and unanimously approved.

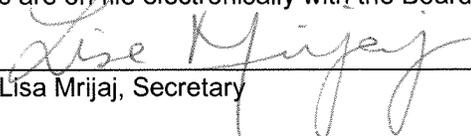
29. (51255) **Social Services** - Enter into an agreement with Volunteers of America-Greater New York, Inc. to provide Shelter Monitoring and Transportation Services for homeless level 2 and level 3 sex offenders who have been placed at the Grasslands Homeless Shelter and are currently serving a parole or probation term, from 3/1/16 – 12/31/16, for an amount not to exceed \$654,062.

K. McGuire

Mr. Plunkett moved the resolution, which was duly seconded and unanimously approved.

This meeting was recorded and an electronic copy of the minutes is on file with the Board of Acquisition and Contract.

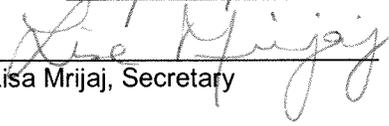
There being no further business, the Chair declared the meeting adjourned. All approved resolutions are on file electronically with the Board of Acquisition and Contract.



Lisa Mrijaj, Secretary

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

Dated 2/26/16



Lisa Mrijaj, Secretary

Statement of Michael B. Kaplowitz,
Chairman of the Westchester County Board of Legislators

In 2011 the Westchester County Board of Legislators passed a local law that, among other things, made Board of Legislators' action sufficient to authorize the County Executive to implement Inter-Municipal Agreements – without approval of the Board of Acquisition and Contracts. The local law has subsequently been judicially sustained.

There is today a resolution before the Board of Acquisition and Contracts authorizing the County Executive to enter into Inter-Municipal Agreements.

I will vote for the resolution because I am in favor of the underlying matter. I recognize that the resolution is on the agenda pro forma.