

George Latimer
County Executive

October 28, 2022

Westchester County Board of Legislators
800 Michaelian Office Building
White Plains, NY 10601

Dear Honorable Members of the Board of Legislators:

Transmitted herewith for your review and approval is an Act which, if adopted by your Honorable Board, would authorize the County of Westchester ("County"), acting by and through its Department of Public Safety (the "Department"), to amend an inter-municipal agreement ("IMA") with Putnam Northern Westchester BOCES ("BOCES"), pursuant to which BOCES agreed to coordinate a portion of the Bureau of Justice Assistance's STOP School Violence Prevention and Mental Health Training Program (aka Project BRIGHT), for a term commencing on July 1, 2021 and continuing through September 30, 2022 for an amount not-to-exceed \$250,000.00, by: (1) extending the term of the IMA for a one-year period commencing on October 1, 2022 and continuing through September 30, 2023; and (2) increasing the not-to-exceed amount authorized thereunder by an additional \$40,000.00 to pay for additional training services to be rendered during the extension period.

By Act No. 2021-150 approved on September 20, 2021, your Honorable Board authorized the County, through the Department, to enter into an IMA with BOCES, pursuant to which BOCES agreed to coordinate the threat assessment training portion of Project BRIGHT by: 1) hiring and overseeing the supervision of coaches and trainers; 2) setting up threat assessment trainings at 20 public, private, parochial and charter schools throughout the County; 3) providing technical assistance and reporting services; and 4) working with the project coordinator and evaluator to ensure that the trainings are coordinated. In consideration for providing these services, the County agreed to pay BOCES a total amount not-to-exceed Two Hundred Fifty Thousand (\$250,000.00) Dollars, payable in five (5) installments of \$50,000.00 each, in accordance with an approved payment schedule.

As your Honorable Board may recall, the Project BRIGHT Program is funded under a grant (the "Grant") from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance ("DOJ"). Due to various delays, mostly related to COVID-19, the County was unable to complete all of the goals and objectives of the Project Bright Grant by the September 30, 2022 deadline. As such, the Department requested and DOJ agreed to a "no-cost" extension of the Grant through September 30, 2023, to enable the County to complete the various goals and objectives of the program.

In light of the Grant extension, the Department now wishes to extend the term of its contract with BOCES for an additional one-year period commencing on October 1, 2022 and continuing through September 30, 2023 and to increase the NTE amount thereunder by an additional \$40,000.00 to pay for additional training services.

It should be noted that because the definition of “municipal corporation” under New York General Municipal Law § 119-n includes “boards of cooperative education services”, the proposed agreement constitutes an IMA requiring your Honorable Board’s approval.

The proposed amendment to the IMA is exempt from the requirements of the Westchester County Procurement Policy pursuant to section 3(a)xviii thereof, which exempts any procurement for the creation and support of youth service projects. In addition, these services are funded with Federal grant monies and are, pursuant to Section 13 of the County Procurement Policy, subject to Federal procurement requirements. The Federal procurement regulations (2 CFR§ 200.320) require that contracts in amounts equal to or less than \$250,000, be procured competitively, unless such contracts are deemed to be “non-competitive” procurements. In accordance with 2 CFR§ 200.320(c)(4), the County’s STOP DWI Office contacted the DOJ requesting that it authorize a non-competitive proposal in this case. The DOJ subsequently approved BOCES as one of the sub awardees under the grant.

The proposed project does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. As such, no environmental review is required. Please refer to the memorandum from the Department of Planning dated January 14, 2022, which is on file with the Clerk of the Board of Legislators.

Based on the importance of this program to the County, your favorable action on the proposed Act is respectfully requested.

Sincerely



George Latimer
County Executive

GL/TR/PT/JPG
Attachment

**HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a communication from the County Executive recommending the adoption of an Act which, if approved by your Honorable Board, would authorize the County of Westchester (the “County”), acting by and through its Department of Public Safety (the “Department”), to amend an inter-municipal agreement (“IMA”) with Putnam Northern Westchester BOCES (“BOCES”), pursuant to which BOCES agreed to coordinate a portion of the Bureau of Justice Assistance’s STOP School Violence Prevention and Mental Health Training Program (aka Project BRIGHT), for a term commencing on July 1, 2021 and continuing through September 30, 2022 for an amount not-to-exceed \$250,000.00, by: (1) extending the term of the IMA for a one-year period commencing on October 1, 2022 and continuing through September 30, 2023; and (2) increasing the not-to-exceed amount authorized thereunder by an additional \$40,000.00 to pay for additional training services to be rendered during the extension period.

By Act No. 2021-150 approved on September 20, 2021, your Honorable Board authorized the County, through the Department, to enter into an IMA with BOCES, pursuant to which BOCES agreed to coordinate the threat assessment training portion of Project BRIGHT by: 1) hiring and overseeing the supervision of coaches and trainers; 2) setting up threat assessment trainings at 20 public, private, parochial and charter schools throughout the County; 3) providing technical assistance and reporting services; and 4) working with the project coordinator and evaluator to ensure that the trainings are coordinated. In consideration for providing these services, the County agreed to pay BOCES a total amount not-to-exceed Two Hundred Fifty Thousand (\$250,000.00) Dollars, payable in five (5) installments of \$50,000.00 each, in accordance with an approved payment schedule.

Your Committee is advised that the Project BRIGHT Program is funded under a grant (the “Grant”) from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance (“DOJ”). Due to various delays, mostly related to COVID-19, the County was unable to complete all of the goals and objectives of the Grant by the September 30, 2022 deadline. As such, the Department requested and DOJ agreed to a “no-cost” extension of the Grant through

September 30, 2023, to enable the County to complete the various goals and objectives of the program.

In light of the Grant extension, the Department now wishes to extend the term of the IMA with BOCES for an additional one-year period commencing on October 1, 2022 and continuing through September 30, 2023 and to increase the NTE amount thereunder by an additional \$40,000.00, to pay for additional training services as described above.

Your Committee is advised that because the definition of “municipal corporation” under New York General Municipal Law § 119-n includes “boards of cooperative education services,” the proposed agreement constitutes an IMA requiring your Honorable Board’s approval.

Your Committee is further advised that the proposed IMA is exempt from the requirements of the Westchester County Procurement Policy pursuant to section 3(a)xviii thereof, which exempts any procurement for the creation and support of youth service projects. In addition, these services are funded with Federal grant monies and are, pursuant to Section 13 of the County Procurement Policy, subject to Federal procurement requirements. The Federal procurement regulations (2 CFR§ 200.320) require that contracts in amounts equal to or less than \$250,000, be procured competitively, unless such contracts are deemed to be “non-competitive” procurements. In accordance with 2 CFR§ 200.320(c)(4), the County’s STOP DWI Office contacted the DOJ requesting that it authorize a non-competitive proposal in this case. The DOJ subsequently approved BOCES as one of the sub awardees under the grant.

In addition, the proposed IMA does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. As such, no environmental review is required. Please refer to the memorandum from the Department of Planning dated May 14, 2021, which is on file with the Clerk of the Board of Legislators.

Your Committee has carefully considered this matter and has concluded that it is in the best interest of the County to adopt an Act to authorize the County to amend this IMA to provide additional threat assessment training services under Project BRIGHT.

It should be noted that an affirmative vote of a majority of the members of your Honorable Board is required in order to adopt the attached Act. Accordingly, your Committee recommends approval of the annexed proposed Act.

Dated: _____, 2022
White Plains, New York

COMMITTEE ON

s: JG/10-14-22

FISCAL IMPACT STATEMENT

SUBJECT: STOP-DWI Contract with PNW BOCES to help coordinate BJA (Bureau of Justice Assistance)
STOP School Violence Prevention & Mental Health Training Program (aka Project Bright)
 NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

(To be completed by operating department and reviewed by Budget Department)

A) GENERAL FUND AIRPORT SPECIAL REVENUE FUND (Districts)

B) EXPENSES AND REVENUES

Total Current Year Cost \$ 0

Total Current Year Revenue \$ 0

Source of Funds (check one): Current Appropriations

Transfer of Existing Appropriations Additional Appropriations Other (explain)

Identify Accounts: Fund: 711; Dept. 71; Trust Account: T16V; Object: 4380
(October 1, 2022-September 30, 2023)

Potential Related Operating Budget Expenses: Annual Amount \$ 0

Describe: No impact to the Operating Budget

Potential Related Revenues: Annual Amount \$ 0

Describe: No impact to the Operating Budget. Funding received from Department of Justice BJA (Bureau of Justice Assistance) STOP School Violence Prevention and Mental Health Training Program Grant. The total amount of the 3 year grant (10/2019-9/2022) was \$500,000 which will be accounted for in Department 71, Fund 711. DOJ has awarded a 'no-cost one year extension' for this grant. This contract with PNW BOCES is for \$40,000 for 12 months (October 1, 2022-September 30, 2023)

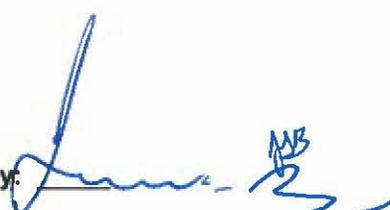
Anticipated Savings to County and/or Impact on Department Operations:

Current Year: \$ 0

No impact to the Operating Budget

Next Four years: \$0

Prepared by: Patricia McCarthy Tomassi

Reviewed By: 

Title: Program Administrator

Budget Director

Department: Public Safety
Office of Drug Abuse Prevention & STOP DWI

If you need more space, please attach additional sheets.

ACT NO. 2022 - _____

AN ACT authorizing the County of Westchester to amend an inter-municipal Agreement with Putnam Northern Westchester BOCES (the "BOCES") pursuant to which BOCES agreed to coordinate a portion of the Bureau of Justice Assistance's STOP School Violence Prevention and Mental Health Training Program in order to extend the term of the IMA through September 30, 2023 and increase the not-to-exceed amount by \$40,000

NOW, THEREFORE, BE IT ENACTED, by the County Board of the County of Westchester as follows:

Section 1. The County of Westchester (the "County") is hereby authorized to amend an inter-municipal agreement (the "IMA") with Putnam Northern Westchester BOCES ("BOCES"), pursuant to which BOCES agreed to coordinate the threat assessment training portion of the Bureau of Justice Assistance's STOP School Violence Prevention and Mental Health Training Program (aka Project BRIGHT), for a term commencing on July 1, 2021 and continuing through September 30, 2022 for an amount not-to-exceed \$250,000.00, in order to: (1) extend the term of the IMA for a one-year period commencing on October 1, 2022 and continuing through September 30, 2023; and (2) increase the not-to-exceed amount authorized thereunder by an additional Forty Thousand (\$40,000.00) Dollars to pay for additional training services to be performed during the extension period.

§2. The County Executive or his duly authorized designee is hereby authorized and empowered to execute any and all documents appropriate and necessary to effectuate the purposes hereof.

§3. This Act shall take effect immediately.

THIS AMENDMENT made this ___ day of _____, 2022 by and between:

THE COUNTY OF WESTCHESTER, a municipal corporation of the State of New York, having an office and place of business in the Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601

(hereinafter referred to as the "County")

and

PNW BOCES (Putnam Northern Westchester Boards of Cooperative Educational Services), a public organization that provides shared educational programs and services to school districts, having an office and principal place of business at 200 Boces Dr, Yorktown Heights, NY 10598

(hereinafter referred to as the "Contractor")

WITNESSETH:

WHEREAS, on September 9, 2021, the County and the Contractor entered into an agreement, pursuant to which the Contractor agreed to provide professional services in connection with the threat assessment training portion of the Bureau of Justice Assistance's STOP School Violence Prevention and Mental Health Training Program (aka Project BRIGHT) for a term commencing on July 1, 2021 and continuing through September 30, 2022 for an amount not-to-exceed \$250,000.00 (the "Agreement"); and

WHEREAS, the Project BRIGHT Program is funded under a grant (the "Grant") from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance ("DOJ"); and

WHEREAS, due to various delays, mostly related to COVID-19, the County was unable to complete all of the goals and objectives of Project BRIGHT by the September 30, 2022 deadline; and

WHEREAS, The DOJ recently awarded the County a "No-Cost" one-year extension of the Grant; and

WHEREAS, the Department now wishes to use some of the unused funds available

under the Grant to extend the contract with the Contractor for an additional one-year period and to increase the NTE amount by an additional \$40,000.00, to enable the Contractor to complete all of the goals and objectives of Project BRIGHT, as set forth in the Agreement.

NOW, THEREFORE, in consideration of the terms and conditions contained herein, the parties agree as follows:

FIRST: The Agreement is hereby amended to extend the term thereof for an additional one-year period commencing on October 1, 2022 and terminating on September 30, 2023 (the "Extension Period").

SECOND: During the Extension Period, the Contractor shall provide additional threat assessment training services to fill in areas not covered under the initial term of the Agreement, as described in Schedule "A-1" which is attached hereto and made a part of the Agreement (the "Work").

THIRD: In consideration for the Work to be performed during the Extension Period, the Contractor shall be paid an amount not-to-exceed FORTY THOUSAND (\$40,000.00) DOLLARS, payable in accordance with the budget and payment schedule set forth in Schedule "B-1", attached hereto and made a part of the Agreement.

FOURTH: The Contractor shall provide the County with updated insurance certificates to cover the Extension Period.

FIFTH: Except as otherwise expressly provided herein, all terms and conditions of the Agreement shall remain in full force and effect.

SIXTH: This Amendment shall not be enforceable until signed by both parties and approved by the Office of the County Attorney.

[NO FURTHER TEXT ON THIS PAGE]

IN WITNESS WHEREOF, the parties hereto have executed this Amendment.

THE COUNTY OF WESTCHESTER

By: _____
Terrance Raynor
Acting Commissioner-Sheriff,
Department of Public Safety

**PNW BOCES (Putnam Northern Westchester
Boards of Cooperative Educational Services)**

By: _____
Name:
Title:

Approved by the Westchester County Board of legislators by Act No. 2022- ____ at a meeting
duly held on the ____ day _____, 2022.

Approved:

Sr. Assistant County Attorney
County of Westchester

Date

ACKNOWLEDGMENT

STATE OF NEW YORK)
) ss.:
COUNTY OF)

On the _____ day of _____ in the year 2022 before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Date: _____

Notary Public

RPL § 309-a; NY CPLR § 4538

CERTIFICATE OF AUTHORITY
(CORPORATION)

I, _____,
(Officer other than officer signing contract)

certify that I am the _____ of
(Title)

the _____
(Name of Corporation)

a corporation duly organized and in good standing under the _____

(Law under which organized, e.g., the New York Business Corporation Law) named in the foregoing agreement; that

(Person executing agreement)

who signed said agreement on behalf of the Corporation was, at the time of execution

(Title of such person)

of the Corporation and that said agreement was duly signed for and on behalf of said Corporation by authority of its Board of Directors, thereunto duly authorized and that such authority is in full force and effect at the date hereof.

(Signature)

STATE OF NEW YORK)
) ss.:
COUNTY OF)

On the _____ day of _____ in the year 2022 before me, the undersigned, a Notary Public in and for said State _____ personally appeared, personally known to me or proved to me on the basis of satisfactory evidence to be the officer described in and who executed the above certificate, who being by me duly sworn did depose and say that he/she resides at _____, and he/she is an officer of said corporation; that he/she is duly authorized to execute said certificate on behalf of said corporation, and that he/she signed his/her name thereto pursuant to such authority.

Notary Public
Date

Westchester County Drug Free Communities Support Program
SCHOOL VIOLENCE PREVENTION & MENTAL HEALTH TRAINING
(PROJECT BRIGHT)
BOCES
Schedule "A-1"

The goal of the BJA STOP School Violence Prevention and Mental Health Training Program (aka Project BRIGHT) is to create, present and help to implement mental health training programs for law enforcement, school based personnel and students to improve their efforts to create a safe environment and help to reduce violent crime.

The Dept. of Justice awarded a One Year 'No-Cost Extension' grant to ensure the successful completion of the original goals of the grant. Efforts of reduce school violence are most successful when multiple strategies are used to address school needs. Therefore, the extension will be focused on additional CSTAG and Digital Threat Assessment trainings that will build on the collective collaboration of school personnel crisis team members as well as representatives of the various community stakeholders to promote a positive school atmosphere that discourages violence and fosters mental health and well-being.

BOCES (Boards of Cooperative Educational Services) will offer additional CSTAG and Digital Threat Assessment Trainings. The focused trainings will offer coordinated strategies to increase the levels of security and safety within the school environment. The digital training will help attendees get a better understand of the social media world and online activity and what tools and methods are available to identify online threat related behavior to prevent tragedy and intervene when worrisome behavior is observed.

- **Continue with CSTAG trainings and implement Digital Threat Assessment Training**
 - Schedule and facilitate up to 4 additional initial trainings of CSTAG
 - Offer two or more parent awareness trainings regarding threats in the digital world that are posed to their children
 - Offer two or more staff awareness trainings on digital threat assessments for school and law enforcement personnel.
 - Provide additional focused school violence prevention trainings for school and law enforcement personnel
- **Work with the County RTC (Real Time Crime) Center to create a dedicated School Desk**
 - Offer CSTAG Training to current personnel
- **Technical Assistance and Reporting**
 - Collect baseline data for school violence
 - Create and analyze evaluation forms for the terms of the Program
 - Assist with the preparation of the evaluation section of reports as required by the funding agency
 - Assist the County and Technical Assistance Coordinator and Evaluator in preparing all reports for the federal agency, Department of Justice,

Bureau of Justice Assistance pertaining to the project, including the quarterly progress reports

- Ensure that all required data are collected, tracked and submitted for reporting purposes on a timely basis
- **Work with the Project Coordinator and Evaluator**
 - Work with Student Assistance Services' Coordinator to ensure the CSTAG, Digital Threat Assessment and Mental Health and Youth Leadership Trainings are coordinated and work in conjunction with each other to meet the standards and goals of the BJA Grant

DRAFT

SCHEDULE "B-1"

PROGRAM BUDGET, 2022-2023

The payment made to Putnam Northern Westchester BOCES for the Westchester County Drug Free Communities Support Program Contract shall not exceed \$40,000.00 for the period October 1, 2022 through September 30, 2023.

Payments shall be made on Westchester County payment vouchers with a detailed invoice to the Office of Drug Abuse Prevention & STOP-DWI, 112 E. Post Road, White Plains, New York 10601.

Payments for services rendered hereunder shall be made according to the following schedule/and it is herein agreed by all parties that should funding levels change or that services are not performed payment will cease and any money owed the Office of Drug Abuse Prevention & STOP-DWI will be repaid within thirty (30) days of notification to the Office of Drug Abuse Prevention & STOP-DWI.

Payment not to exceed the following amounts upon execution and approval of this agreement.

January 4, 2023	<i>\$10,000</i>
April 1, 2023	<i>\$10,000</i>
July 6, 2023	<i>\$10,000</i>
September 30, 2023	<i>\$10,000</i>