

**58295**

**DATE:** September 11, 2017

**TO:** Honorable Members of the Board of Acquisition and Contract

**FROM:** Mae Carpenter, Commissioner  
Department of Senior Programs and Services

**RE:** Request for authority for the County of Westchester to:

1. enter into an agreement with the New York State Office for the Aging (“NYSOFA”) to accept a grant in the amount of \$294,969 in federal funds for the purpose of administering and implementing the Senior Community Service Employment Program (“SCSEP”) under Title V of the Older Americans Act for the program period July 1, 2017 through June 30, 2018; and
2. amend an agreement with the Urban League of Westchester County, Inc. for the provision of administration services in connection with SCSEP in order to exercise the County’s fourth renewal option and thereby extend the term of the agreement for one additional year for the program period July 1, 2017 through June 30, 2018,
3. further amend the agreement to decrease funding under the fourth renewal option by \$31,257.

---

The County of Westchester (the “County”), acting by and through the Department of Senior Programs & Services (the “Department”), seeks authority from your Honorable Board to enter into an agreement (the “Agreement”) with the New York State Office for the Aging (“NYSOFA”) to accept a grant in the sum of \$294,969 in federal funds for the purpose of administering and implementing the SCSEP under Title V of the Older Americans Act for the program July 1, 2016 through June 30, 2017.

Additionally, by resolution approved on August 15, 2013 (the “August 15<sup>th</sup> Resolution”), your Honorable Board authorized the County of Westchester (the “County”), acting by and through the Department of Senior Programs & Services (the “Department”) to, *inter alia*, enter into an agreement with the Urban League of Westchester County, Inc. (the “Urban League”), pursuant to which the Urban League was to provide administration services in connection with the SCSEP program for an amount not-to-exceed \$298,182

to be paid pursuant to an approved budget for the program period July 1, 2013 through June 30, 2014, with the Urban League contributing \$33,802 in contractor matching funds (the "Agreement"). The August 15<sup>th</sup> Resolution further provided that the County, at its sole option, could renew the Agreement for up to five (5) additional one-year periods, on the same terms and conditions as the initial term, subject to the availability of funds, acceptable past performance and the prior approval of your Honorable Board (the "Agreement"). The Agreement was subsequently executed.

Thereafter by resolution approved on August 21, 2014 (the "August 21<sup>st</sup> Resolution"), your Honorable Board authorized the County to amend its Agreement with the Urban League in order to exercise the first of its five renewal options thereunder for a term commencing on July 1, 2014 and continuing through June 30, 2015 for an amount not-to-exceed \$298,182 to be paid pursuant to an approved budget, with the Urban League contributing \$33,802 in Contractor matching funds (the "First Amendment"). The First Amendment was subsequently executed.

Thereafter by resolution approved on March 19, 2015 (the "March 19<sup>th</sup> Resolution"), your Honorable Board authorized the County to amend its Agreement with the Urban League in order to exercise the second of its five renewal options thereunder for a term commencing on July 1, 2015 and continuing through June 30, 2016 for an amount not-to-exceed \$298,182 to be paid pursuant to an approved budget, with the Urban League contributing \$33,802 in Contractor matching funds (the "Second Amendment"). The Second Amendment was subsequently executed.

Thereafter by resolution approved on May 26, 2016 (the "May 26<sup>th</sup> Resolution"), your Honorable Board authorized the County to amend its Agreement with the Urban League in order to exercise the third of its five renewal options thereunder for a term commencing on July 1, 2016 and continuing through June 30, 2017 for an amount not-to-exceed \$298,182 to be paid pursuant to an approved budget, with the Urban League contributing \$33,802 in Contractor matching funds (the "Third Amendment"). The Third Amendment was subsequently executed.

Thereafter by resolution approved on January 5, 2017 ( the "January 5<sup>th</sup> Resolution") your Honorable Board authorized the County to further amend the Third Amendment with the Urban League to provide the Program in order to increase the total not to exceed for the period July 1, 2016 through June 30, 2017 by \$9,205, from \$298,182 to \$307,387 and to reflect an increase in the Contractor match funds by \$978 from \$33,802 to \$34,780 for the extended term hereof (the "Fourth Amendment"). It should be noted that the increased funding was used by the Contractor to pay for program participants' wage and fringes during the program period.

The County now seeks the authority of your Honorable Board to further amend the Agreement with the Urban League for the provision of the Program in order to exercise its fourth renewal option under the Agreement for the program period commencing on July 1, 2017 through June 30, 2018. It should be noted that NYSOFA has decreased funding for the current program year; therefore authority is also being sought to further amend the Agreement with the Contractor to reduce funding under the fourth renewal

option by \$31,257, from \$307,387 to an amount not-to-exceed \$276,130 and to reflect a decrease in Contractor match funds by \$2,005, from \$34,780 to an amount not-to-exceed \$32,775 for the extended term hereof (the "Fifth Amendment").

The remaining \$18,839 in federal funds will be retained by the Department for Administration.

The Agreement with NYSOFA does not constitute a procurement as it is for the acceptance of grant funds, and as such, is not subject to the Westchester County Procurement Policy. Since the Agreement with the Urban League is paid for with funds subject to the federal Common Grant Rules, 45CFR 92.36 (f) requires grantees to perform a price or cost analysis in order to test the market before such an option may be exercised. In an effort to comply with this requirement, on 6/7/17, the Department sent an electronic mailing with a response due date of 6/14/17 to Goodwill Industries Workforce Development and three other agencies from the Minority and Women Owned Business database that indicated employment services provision. There were no responses.

**Analysis/Determination:**

The SCSEP program provides community service work based training and counseling opportunities for low income persons age 55 and older who have multiple barriers to employment. The community service experience serves as a bridge to other employment opportunities that are not supported with government funds.

Taking into consideration that there were no responses from other vendors during this attempt to solicit other pricing and that the current vendor was the only proposer that responded to the 2013 Request For Proposal, and has done significantly well in providing these services through prior agreements, it appears most prudent to the Department to exercise the County's option under the Agreement with the Urban League.

I certify that my department, a.) has copies of, or access to, all applicable laws, rules, regulations, grant applications, and grant agreements (including any master grant agreement), as well as any guidance or instructions received from the agency making the grant (the "Grant Terms"), b.) has reviewed the Grant Terms, c.) is aware of and understands all of the Grant Terms, and d.) can and will comply with all of the Grant Terms.

Except as specifically provided hereunder, all remaining terms and conditions of the Agreement shall remain in full force and effect.

Accordingly, approval of the attached resolution is most respectfully recommended.

MC/SJ

## **RESOLUTION**

Upon a communication from the Commissioner of the Westchester County Department of Senior Programs and Services, be it hereby:

**RESOLVED**, that the County of Westchester (the "County") is hereby authorized to enter into an agreement with the New York State Office for the Aging ("NYSOFA") to accept a grant in the sum of \$294,969 in federal funds for the purpose of administering and implementing the Senior Community Service Employment Program ("SCSEP") for the program period July 1, 2017 through June 30, 2018 (the "NYSOFA Agreement"); and be it further

**RESOLVED**, that the County is hereby authorized to amend its Agreement with the Urban League of Westchester County, Inc. (the "Contractor" or the "Urban League"), pursuant to which the Urban League was to provide administration services in connection with the Senior Community Service Employment Program ("SCSEP") for an amount not-to-exceed \$298,182 to be paid pursuant to an approved budget for the program period July 1, 2013 through June 30, 2014, with the County having the sole option to renew the agreement for up to five (5) additional one-year periods, on the same terms and conditions as the initial term (the "Agreement"), in order to exercise its fourth renewal option under the Agreement for the program period July 1, 2017 through June 30, 2018. The County is also authorized to decrease funding under the fourth renewal option by \$31,257 from \$307,387 to an amount not-to-exceed \$276,130 and to reflect a decrease in Contractor match funds by \$2,005 from \$34,780 to an amount not-to-exceed \$32,775 for the extended term hereof (the "Fifth Amendment"); and be it further

**RESOLVED**, that except as specifically amended hereby, all remaining terms and conditions of the Agreement and subsequent renewals with the Urban League shall remain the same; and be it further

**RESOLVED**, that the County Executive or his authorized designee is hereby authorized to execute all instruments and take all actions reasonably necessary to implement this Resolution.

Agreement: \$ 298,182  
 First Amendment: \$ 298,182  
 Second Amendment: \$ 298,182  
 Third Amendment: \$ 298,182  
 Fourth Amendment: \$ 9,205  
 Fifth Amendment: \$ 276,130  
 Total: \$1,478,063

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
Credited	263	85	054S	9853	T054	\$294,969
Charged	263	85	054S	4380	T054	\$276,130

Budget Funding Year(s) 2017 - 2018 Start Date 7/1/17 End Date 6/30/18  
 (must match resolution)

Funding Source Tax Dollars: \$0

State Aid: \$0

\$294,969 Federal Aid: \$294,969

(must match resolution)