

17827

Date: September 7, 2011

To: Board of Acquisition and Contract

From: Mae Carpenter, Commissioner
Department of Senior Programs & Services

Re: Authority to:

- a) amend an agreement with Pace University through its Women's Justice Center of the Pace University School of Law, Westchester Division, to provide Civil Legal Services for elderly Westchester County residents, 60 and over, who have been victims of abuse, to exercise the County's second renewal option and thereby extend the term of the agreement for one additional year and increase the amount not-to-exceed authorized under the agreement; and
- b) amend an agreement with Legal Services of the Hudson Valley, for Legal Assistance and a Civil Elder Care Program for elderly Westchester County residents, 60 and over, to exercise the County's second renewal option and thereby extend the term of the agreement for one additional year and increase the amount not-to-exceed authorized under the agreement.

By resolution approved on January 22, 2009 (the "January 22nd Resolution"), your Honorable Board authorized the County of Westchester (the "County"), acting by and through its Department of Senior Programs & Services (the "Department"), to enter into an agreement with Pace University, through its Women's Justice Center of the Pace University School of Law, Westchester Division ("Pace"), to provide Civil Legal Services to elderly Westchester County residents, 60 and over, who have been victims of abuse for a term commencing on January 1, 2009 and continuing through December 31, 2009 in an amount not-to-exceed \$110,000, pursuant to an approved budget (the "Pace Agreement"). The January 22nd Resolution further authorized the County, at its sole option, to renew the Pace Agreement for up to two (2) additional one (1) year periods, subject to the prior approval of your Honorable Board. The Pace Agreement was subsequently executed.

The January 22nd Resolution also authorized the County, through the Department, to enter into an agreement with Legal Services of the Hudson Valley ("Legal Services") to provide legal assistance and a civil elder care program for elderly Westchester County residents, 60 and over, for a term commencing on January 1, 2009 and continuing through December 31, 2009 in an amount not-to-exceed \$251,035, pursuant to an approved budget (the "Legal Services Agreement"). The January 22nd Resolution further authorized

the County, at its sole option, to renew the Legal Services Agreement for up to two (2) additional one (1) year periods, subject to the prior approval of your Honorable Board. The Legal Services Agreement was subsequently executed.

Thereafter, by resolution approved on December 30, 2009 (the "December 30th Resolution"), your Honorable Board authorized the County to amend the Pace Agreement in order to exercise the County's first renewal option by 1) extending the term thereof through December 31, 2010; 2) increasing the amount not-to-exceed thereunder by an additional \$110,000, from an amount not-to-exceed \$110,000 to an amount not-to-exceed \$220,000; and 3) reflecting the County's one remaining option for a one-year renewal (the "Amended Pace Agreement"). The Amended Pace Agreement was subsequently executed.

The December 30th Resolution also authorized the County to amend the Legal Services Agreement in order to exercise the County's first renewal option by 1) extending the term thereof through December 31, 2010; 2) increasing the amount not-to-exceed thereunder by an additional \$316,638, from an amount not-to-exceed \$251,035 to an amount not-to-exceed \$567,673; and 3) reflecting the County's one remaining option for a one-year renewal (the "Amended Legal Services Agreement"). It should be noted that although the December 30th Resolution authorized increasing the not-to-exceed amount under the Amended Legal Services Agreement by \$316,368, the parties subsequently negotiated a \$3,000 decrease in this amount, thereby reducing it to \$313,638. The Amended Legal Services Agreement was subsequently executed.

The County now seeks authority to exercise its second and final option under both the Pace Agreement and the Legal Services Agreement and, as a result:

- (1) Further amend the Pace Agreement to (a) amend the term of the Pace Agreement from January 1, 2009 through December 31, 2010 to January 1, 2009 through December 31, 2011; and (b) increase the amount not-to-exceed authorized under the Pace Agreement by an additional \$97,000 for services to be rendered in 2011 for a new total contract amount not-to-exceed \$317,000.
- (2) Further amend the Legal Services Agreement to (a) amend the term of the Legal Services Agreement from January 1, 2009 through December 31, 2010 to January 1, 2009 through December 31, 2011; and (b) increase the amount not-to-exceed authorized under the Legal Services Agreement by an additional \$305,978 for services to be rendered in 2011 for a new total contract amount not-to-exceed \$870,651.

Services to be provided by Pace and Legal Services during the renewal period will include, without limitation, representation, consultation, advocacy, referrals, legal appeals, assistance with public benefits applications, housing matters, consumer problems, long term care problems, family court, and such other legal services as may become necessary. In addition, Pace will provide other services such as safety planning and referral for shelter, counseling, etc., as appropriate, to support the safety and autonomy of the client.

The proposed Agreements will serve a public purpose by providing Civil Legal Services for elderly Westchester County residents, 60 and over. Public awareness campaigns will also be conducted to educate the public about elder abuse and matters related to the elderly person's rights.

The goals of the program are to eradicate domestic violence, decrease financial abuse and further the legal rights of the elderly through the skillful and innovative use of the law. The program also promotes the public safety and economic security of elderly Westchester County residents, 60 and over, who have been victims of abuse by providing the aforementioned legal services and conducting public awareness campaigns. This program serves in the best interest of the County in terms of public safety and economic security in that it discusses with seniors civil legal services, the issue of elder abuse and the services that are available throughout the county for seniors who are experiencing abuse and financial exploitation.

The services will be tracked, monitored and evaluated through monthly reporting activities and annual on-site reviews to determine if the contract performance goals and objectives are being met in a fiscally responsible and appropriately safe fashion. Annually, the New York State Office for the Aging shall monitor and evaluate if the Department is meeting its requirements to conduct proper oversight. Additionally, client satisfaction will be monitored through the use of surveys.

Except as specifically amended hereby, all remaining terms and conditions set forth in both the Pace and Legal Services Agreements shall remain in full force and effect.

Accordingly, your favorable action on the annexed Resolution is most respectfully urged and recommended.

MC/SJ/jpg

RESOLUTION

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

RESOLVED, that the County of Westchester (the "County") is hereby authorized to amend an agreement with Pace University through its Women's Justice Center of the Pace University School of Law, Westchester Division ("Pace"), as previously amended, pursuant to which Pace was to provide Civil Legal Services to elderly Westchester County residents 60 and over who have been victims of abuse, for an amount not-to-exceed \$220,000, for the period January 1, 2009 through December 31, 2010, with the County having the sole option to renew the agreement for one additional one-year period (the "Pace Agreement"), in order to exercise the County's option under the Pace Agreement, and, therefore, (1) extend the term of the Pace Agreement from January 1, 2009 through December 31, 2010 to January 1, 2009 through December 31, 2011; and (2) increase the amount not-to-exceed under the Pace Agreement by an additional \$97,000 for services to be rendered in 2011, for a new total contract amount not-to-exceed \$317,000; and be it further

RESOLVED, that the County of Westchester (the "County") is hereby authorized to amend an agreement with Legal Services of the Hudson Valley ("Legal Services"), as previously amended, pursuant to which Legal Services was to provide legal assistance and a civil elder care program for elderly Westchester County residents 60 and over, for an amount not-to-exceed \$564,673, for the period January 1, 2009 through December 31, 2010, with the County having the sole option to renew the agreement for one additional one-year period (the "Legal Services Agreement"), in order to exercise the County's renewal option under the Legal Services Agreement, and, therefore, (1) extend the term of the Legal Services Agreement from January 1, 2009 through December 31, 2010 to January 1, 2009 through December 31, 2011; and (2) increase the amount not-to-exceed under the Legal Services Agreement by an additional \$305,978 for services to be rendered in 2011, for a new total contract amount not-to-exceed of \$870,651; and be it further

RESOLVED, that except as specifically amended hereby, all remaining terms and conditions set forth in the Pace Agreement and the Legal Services Agreement shall remain in full force and effect; and be it further

RESOLVED, that the Pace Agreement and the Legal Services Agreement are both subject to County appropriations; and be it further

RESOLVED, that Pace Agreement and the Legal Services are both also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate the Pace Agreement and/or the Legal Services

Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to one or both of the contractors, then such contractor(s) shall have the right to terminate its agreement upon reasonable prior written notice; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized to take such action and execute such documents as may be necessary and proper to effect the purposes hereof.

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
101	24	1000	4380	N/A	\$97,000
263	85	686L	4380	T686	\$264,816
101	24	1000	4380	N/A	\$41,162

Budget Funding Year(s) 2011 Start Date 1/1/11 End Date 12/31/11
 (must match resolution)

Funding Source Tax Dollars \$269,568

State Aid _____

\$ 402,978 Federal Aid \$133,410

(must match resolution) Other _____

APPROVED BOARD OF ACQUISITION & CONTRACTS 9/15/2011 - JOMAR VEIRA, SECRETARY