

**27077**

DATE: May 15, 2012

TO: Board of Acquisition & Contract

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

RE: Authority to:

- a) Enter into an Agreement with the New York State Office for the Aging to accept a grant in the sum of \$1,307,440.00 to provide nutrition services to the elderly under the Supplemental Nutrition Assistance Program and the Nutritional Services Incentive Program of the Older Americans Act, for the program period April 1, 2012 through March 31, 2013; and
- b) Enter into inter-municipal agreements with the fourteen (14) municipalities set forth in the attached schedule, to administer nutrition services, including congregate and home-delivered meal programs, outreach, nutrition education and nutrition counseling, to the elderly under the Supplemental Nutrition Assistance Program and the Nutritional Services Incentive Program, for a total aggregate amount not-to-exceed \$1,033,261.00, in the individual not-to-exceed amounts set forth in the attached schedule, for the program period April 1, 2012 through March 31, 2013

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The County of Westchester (the "County"), acting by and through the Department of Senior Programs and Services (the "Department"), seeks authority from your Honorable Board to enter into an agreement with the New York State Office for the Aging ("NYSOFA") to accept a grant in the sum of \$1,307,440.00 to provide nutrition services to the elderly under the Supplemental Nutrition Assistance Program ("SNAP") and the Nutritional Services Incentive Program ("NSIP") of the Older Americans Act, for the program period April 1, 2012 through March 31, 2013 (the "NYSOFA Agreement").

In addition, the County, acting by and through the Department, also seeks authority to enter into inter-municipal agreements with the fourteen (14) municipalities (or "Contractors") set forth in the attached Schedule "A", for the purpose of administering the aforementioned nutrition services, including congregate and home-delivered meal programs, outreach, nutrition education and nutrition counseling, to the elderly, for a total aggregate amount not-to-exceed \$1,033,261, in the individual not-to-exceed amounts set forth in Schedule "A", for the program period, April 1, 2012 through March 31, 2013 (collectively, the "IMAs"). The remaining \$274,179 in NYOSFA grant funds will be used directly by the Department to provide nutrition education and counseling services. The County, at its sole option, may renew the IMAs for up to two (2) additional one (1) year terms, subject to the prior approval of your Honorable Board.

With regard to the distribution of NSIP funding, the agreements with the fourteen (14) municipalities listed in Schedule "A" will provide that the Department will be authorized to distribute such funding 1) contingent upon its receiving further State approval; and 2) by providing the Contractors with written confirmation that the State has authorized the distribution of such funds, without the need for the subcontractor to execute a supplemental agreement. This practice was approved by your Honorable Board in 2010 to avoid the administrative difficulties involved in distributing NSIP funds prior to the State-imposed deadline.

The proposed agreements will serve a public purpose by promoting the health of elderly Westchester residents. The programs funded and operated under the proposed agreements will benefit the public good by helping to prevent malnutrition among elderly residents of Westchester and improving the overall health of elderly participants.

The goals and objectives of the proposed agreements are to provide nutrition services to seniors who are 60 years of age or older and who are looking to satisfy the basic needs of food, nutrition and socialization. During the SNAP 2011-2012 contract period, 174,456 meals were provided to 1,382 seniors.

The home-delivered meals program specifically aims to maintain or improve the well-being of those seniors who are at increased nutritional risk. The risk status is determined by a nutrition screening, which is part of the required client assessment.

The proposed agreements will require that all congregate and home-delivered meals be prepared in accordance with NYSOFA's nutrition program standards. The nutrition program standards are included as part of each subcontractor's contractual agreement.

All meals provided by the Contractors will be prepared and served by congregate sites or home-delivered meals programs approved by the County Department of Health. All meals will be served in accordance with State Department of Health's Sanitary Code and Food Safety regulations. Each meal will provide at least one-third of the recommended dietary allocation ("RDA") for an individual, as established by the United States Department of Agriculture.

The goals and objectives of the proposed agreements are in the best interests of the County in terms of public health because providing nutritious meals to seniors will help them to maintain or improve their nutritional intake and, accordingly, their overall health. The goals and objectives of the NYSOFA agreement are also in the best interests of the County in terms of fiscal responsibility, as the County would otherwise have to provide these vital meal services using County funds.

The goals and objectives of the proposed agreements will be tracked, monitored and evaluated by the Nutrition, Health and Wellness Unit of the Department, to ensure compliance with Federal, State and County regulations. On-site monitoring, subcontractor monthly report reviews and contract meal performance management will be completed by assigned nutrition staff. On-site reviews will be conducted bi-annually by nutrition staff and annually by NYSOFA.

In addition, the subcontractor's meal performance will be monitored by Department staff via computerized meal performance reports. These reports represent a compilation of monthly data submitted by each subcontractor. The meal service will also be evaluated by administering client satisfaction surveys to all participating seniors.

The Westchester County Board of Legislators, by Act No. 35 - 2012, authorized the County to enter into inter-municipal agreements with municipalities in Westchester County to provide nutrition assistance to the elderly.

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.

The Agreement with NYOSFA to accept the grant funds does not constitute a procurement and as such is not subject to the requirements of the Westchester County Procurement Policy. The IMAs are exempt from the County Procurement Policy pursuant to Section 3(a)iii thereof.

Accordingly, I most respectfully recommend adoption of the attached proposed resolution.

APPROVED BOARD OF ACQUISITION & CONTRACT - 06/14/2012 - JOMAR FERRA, SECRETARY

## RESOLUTION

Upon communication from the Commissioner of the Westchester County Department of Senior Programs and Services:

RESOLVED, that the County of Westchester 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 \$1,307,440.00 to provide nutrition services to the elderly under the Supplemental Nutrition Assistance Program ("SNAP") and the Nutritional Services Incentive Program ("NSIP") of the Older Americans Act, for the program period April 1, 2012 through March 31, 2013; and be it further

RESOLVED, that the County of Westchester is hereby authorized to enter into inter-municipal agreements with the fourteen (14) municipalities ("Contractors") listed in the attached Schedule "A" to administer nutrition programs for the elderly under SNAP and NSIP of the Older Americans Act, for a total aggregate amount not-to-exceed \$1,033,261.00, in the individual not-to-exceed amounts set forth in Schedule "A", for the program period April 1, 2012 through March 31, 2013 (the "IMAs"); and be it further

RESOLVED, that the County, at its sole option, may renew the IMAs for up to two additional one-year terms, subject to the prior approval of your Honorable Board; and be it further

RESOLVED, that with regard to the distribution of NSIP funding, the agreements with the Contractors shall provide that the Department will be authorized to distribute such funding 1) contingent upon its receiving State approval; and 2) by providing the Contractors with written confirmation that the State has authorized the distribution of such funds, without the need for the subcontractor to execute a supplemental agreement; and be it further

RESOLVED, that the IMAs are subject to County Appropriations; and be it further

RESOLVED, that the IMAs are also subject to the 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 IMAs, or any individual IMA, or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to any or all of the fourteen (14) municipalities/Contractors listed in Schedule "A", then each municipality/subcontractor receiving such an offer shall have the right to terminate its IMA upon reasonable prior written notice; and be it further

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

Original Agreement      \$1,307,440.00  
 TOTAL                      \$1,307,440.00  
 Agreement #

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
charged	263	85	928M	4380	T928	\$766,367.00
charged	263	85	939L	4380	T939	\$266,894.00
charged	263	85	928M	Various	T928	\$274,179.00
credited	263	85	928M	9854	T928	1,040,546.00
credited	263	85	939M	9853	T939	\$266,894.00

Budget Funding Year(s) Unit 928M 2012-2013 Start Date 4/1/12 End Date 3/31/13  
 (must match resolution)

Unit 939L 2011-2012 Start Date 10/1/11 End Date 9/30/12

Funding Source Tax Dollars \_\_\_\_\_

State Aid \$1,040,546.00

\$1,307,440.00 Federal Aid \$266,894.00

(must match resolution) Other \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT - 06/11/2012 - JOMARY VERA, SECRETARY

## Schedule "A"

<u>MUNICIPALITY</u>	STATE FUNDS	NSIP	TOTAL
	<u>NOT-TO-EXCEED</u>	<u>NOT-TO-EXCEED</u>	<u>NOT-TO-EXCEED</u>
Cortlandt	\$4,059	\$1,524	\$5,583.00
Eastchester	\$46,454	\$14,312	\$60,766.00
Greenburgh	\$113,459	\$35,824	\$149,283.00
Mamaroneck	\$4,725	\$1,148	\$5,873.00
Mount Kisco	\$5,661	\$1,878	\$7,539.00
Mount Pleasant	\$41,843	\$12,590	\$54,433.00
Mount Vernon	\$76,328	\$56,268	\$132,596.00
New Castle	\$21,319	\$12,507	\$33,826.00
Ossining	\$47,306	\$17,844	\$65,150.00
Peekskill	\$87,645	\$25,164	\$112,809.00
Port Chester	\$32,614	\$13,563	\$46,177.00
Somers	\$87,442	\$28,502	\$115,944.00
Yonkers	\$190,325	\$44,120	\$234,445.00
Yorktown	<u>\$7,187</u>	<u>\$1,650</u>	<u>\$8,837.00</u>
Total	\$766,367.00	\$266,894.00	\$1,033,261.00

APPROVED BOARD OF ACQUISITION & CONTRACTS, 05/14/2012 - JOMAR VERA SECRETARY