



**Office of the District Attorney
County of Westchester**

MEMORANDUM

June 14, 2012

28805

TO: HONORABLE MEMBERS
BOARD OF ACQUISITION AND CONTRACT

FROM: JANET DiFIORE
DISTRICT ATTORNEY

RE: RESOLUTION AUTHORIZING THE COUNTY OF WESTCHESTER TO:

- 1) ENTER INTO AN AGREEMENT WITH THE NEW YORK STATE OFFICE OF VICTIMS SERVICES TO ACCEPT A GRANT IN THE AMOUNT OF \$218,969 FOR THE DISTRICT ATTORNEY'S OFFICE TO PROVIDE VARIOUS SERVICES TO ASSIST CRIME VICTIMS FOR THE PROGRAM PERIOD OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2013, PURSUANT TO AN APPROVED BUDGET; AND
- 2) SUBCONTRACT WITH ELIZABETH BUSSIAN PSYCHOTHERAPY P.C FOR THE PROVISION OF PSYCHOTHERAPY SERVICES TO CRIME VICTIMS IN THE AMOUNT OF \$63,295 FOR THE PROGRAM PERIOD OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2013, PURSUANT TO AN APPROVED BUDGET.

Authority is sought for the County of Westchester to enter into an agreement with the New York State Office of Victims Services ("OVS") to accept a grant (the "Grant") in the amount of \$218,969 in state and federal pass through funds for the District Attorney's Office to provide various services to assist crime victims for the program period October 1, 2012 through September 30, 2013 (the "Agreement"). Pursuant to the terms of the Agreement, the County will be required to contribute \$87,090 in matching funds towards this program.

Authority is also sought for the County to enter into an agreement with Elizabeth Bussian Psychotherapy, LCSW P.C. for the provision of psychotherapy services to crime victims in an amount not-to-exceed \$63,295, payable pursuant to an approved budget, for the program period October 1, 2012 through September 30, 2013.

The goal of the Grant is to continue to provide a centralized, accessible crime victims' assistance unit within the Westchester County District Attorney's Office. This unit provides all direct services and benefits offered by the OVS. These services include compensation claim assistance, on-site counseling, and follow-up contact with victims, criminal justice support and advocacy and personal advocacy to victims.

The public purpose of the Grant is to protect and extend the rights and needs of all innocent victims of crime in New York State. Funding from the OVS Grant also expands and facilitates the coordination of services and assistance available from federal, state and local government agencies as well as other agencies, shelters and organizations.

These agreements will be monitored by the adherence to the work plan outlined by OVS which will be documented in the quarterly fiscal and programmatic reports submitted to OVS.

The agreement with OVS to accept the grant funds does not constitute a procurement and as such is not subject to the requirements of the County Procurement Policy. The Agreement with Elizabeth Bussian Psychotherapy, LCSW P.C. is exempt from the Procurement Policy pursuant to section 3 (a) xii thereof which exempts "procurements which involve the expenditure of federal or state assistance where and to the extent that federal or state law, rules or regulations conflict with the provisions of the Policy."

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 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.

Accordingly, your Board's approval of the attached resolution is most respectfully requested.

RESOLUTION

Upon communication from the District Attorney, be it hereby

RESOLVED, that the County of Westchester is authorized to enter into an agreement with the New York State Office of Victim Services (“OVS”) to accept a grant in the amount of \$218,969 for the District Attorney’s Office to provide various services to assist crime victims for the program period October 1, 2012 through September 30, 2013, pursuant to an approved budget (the “Agreement”); and be it further

RESOLVED, that pursuant to the terms of the Agreement, the County shall contribute \$87,090 in matching funds; and be it further

RESOLVED, that the County is further authorized to enter into an agreement with Elizabeth Bussian Psychotherapy LCSW P.C. (the “Contractor”) for psychotherapy services for crime victims for the program period October 1, 2012 through September 30, 2013 in an amount not-to-exceed \$63,295, payable pursuant to an approved budget; and be it further

RESOLVED, that the agreement with the Contractor (the “Agreement”) is subject to County appropriations; and be it further

RESOLVED, that the Agreement is 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 this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Contractor, then the Contractor shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further

RESOLVED, that the District Attorney or her duly authorized designee be and hereby is authorized and empowered to execute any and all documents necessary to effectuate the purposes hereof.

Agreement #

Account to be
Charged/Credited

| Fund | Dept | Major Program, Program & Phase Or Unit | Object/ Sub-Object | Trust Account | Dollars |
|------|------|--|-----------------------|------------------|-----------|
| 263 | 37 | 635M | 9854 | T635 | \$43,794 |
| 263 | 37 | 635M | 9853 | T635 | \$175,175 |
| 101 | 37 | 0010 | 4912 | | \$87,090 |
| 263 | 37 | 635M | 4380 | T635 | \$63,295 |

Budget Funding Year(s) 2012 Start Date 10/01/2012 End Date 09/30/2013
(must match resolution)

Funding Source Tax Dollars \$87,090 _____

State Aid \$43,794 _____

\$306,059 Federal Aid \$175,175 _____

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(must match resolution)

Other _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 09/06/2011 - ROMARY VIEIRA, SECRETARY