

38887

DATE: March 5, 2014

TO: Board of Acquisition & Contract

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

RE: Request for authority to:

- a) enter into an Agreement with the State of New York, acting by and through the New York State Office for the Aging, to accept a grant for up to an amount not-to-exceed \$2,138,069.00 to provide various nutrition programs for the elderly under Titles IIIC-1, IIIC-2, and the Nutritional Services Incentive Program ("NSIP") of the Older Americans Act for the program period commencing January 1, 2014 and terminating December 31, 2014; and
- b) amend Inter-Municipal and Inter-Agency Agreements (the "Agreements") with the seventeen (17) contractors set forth in the attached Schedule "A" (the "Contractors") to exercise the second of four (4) options to renew the Agreements to provide various nutrition programs for the elderly under Titles IIIC-1, IIIC-2, and the NSIP of the Older Americans Act for up to a total aggregate amount not-to-exceed \$2,005,001, in the individual amounts also set forth in the attached Schedule "A," for the program period commencing January 1, 2014 and continuing through December 31, 2014; and
- c) amend the Agreements with the Contractors to add certain provisions required by the New York State Office for the Aging concerning equal access to services, non-discrimination and concentration of services on target populations.

The County of Westchester, (the "County") acting by and through its Department of Senior Programs and Services (the "Department"), seeks authority from your Honorable Board to enter into an Agreement with the State of New York, acting by and through the New York State Office for the Aging ("NYSOFA") to accept a grant in an amount not-to-exceed \$2,138,069.00 to provide various nutrition programs (the "Programs") for seniors under Titles IIIC-1, IIIC-2 and the NSIP of the Older Americans Act, for the program period commencing January 1, 2014 and terminating December 31, 2014.

Additionally, by resolution approved on June 14, 2012 (the "June 14th Resolution"), your Honorable Board authorized the County to enter into Inter-Municipal and Inter-Agency Agreements (the "Agreements") with the seventeen (17) contractors set forth in the attached Schedule "A" (the "Contractors") for the purpose of administering the aforementioned nutrition programs (the "Programs") for the elderly under the Title IIIC-1, IIIC-2 and the NSIP of the Older Americans Act, for a total aggregate amount not-to-exceed \$1,548,247.00 in Federal funds to be paid pursuant to an approved budget, for the period commencing January 1, 2012 through December 31, 2012, with the County having the sole option to renew the Agreements for up to four (4) additional one (1) year

periods subject to the prior approval of your Honorable Board. The Agreements were subsequently executed.

Thereafter, by resolution approved on February 14, 2013 (the "February 14th Resolution"), your Honorable Board authorized the County to amend the Agreements with the Contractors to exercise the first of its four (4) options to renew the Agreements with the Contractors set forth in the attached Schedule "A" to provide the aforementioned Programs for the elderly under the Title IIIC-1, IIIC-2 and the NSIP of the Older Americans Act, for a total aggregate amount not-to-exceed \$1,736,064.00 in Federal funds to be paid pursuant to an approved budget, for the period commencing January 1, 2013 and terminating December 31, 2013 (the "First Amendments"). The First Amendments were subsequently executed.

The County now seeks authority to further amend the Agreements to exercise the second of its four (4) options to renew the Agreements with the Contractors for the purpose of administering the aforementioned nutrition programs for the elderly under the Title IIIC-1, IIIC-2 and the NSIP of the Older Americans Act, for the program period commencing January 1, 2014 and terminating December 31, 2014 for up to a total aggregate amount not-to-exceed \$2,005,001.00 comprised of \$1,644,981.00 in Federal funds to be paid pursuant to an approved budget and \$360,020.00 in Contractor matching funds, in the individual amounts set forth in the attached Schedule "A" (the "Second Amendments"). The remaining \$493,088.00 in Federal funds will be used directly by the Department to provide nutrition education and counseling, service coordination, program development and area agency administration.

Authority is also requested to amend the Agreements with the Contractors to add certain provisions required by NYSOFA concerning equal access to services, non-discrimination and concentration of services on target populations. By way of background, on July 17, 2012 NYSOFA issued its revised Equal Access and Targeting Policy (12-PI-08) clarifying the responsibilities of New York State's Aging Network Providers under federal and state laws regarding equal access to services and nondiscrimination in serving all cohorts of New York's older adults and caregivers. The program Instruction also addressed the federal and state requirements for targeting activities to reach those unserved and underserved groups that are in greatest social and/or economic need. The Area Agencies on Aging ("AAAs") were instructed that they are responsible for requiring all aging service providers under their respective planning and service area to comply with requirements for equal access (including language accessibility), nondiscrimination and concentration of services on target populations as required in the Older Americans Act (OAA), NYS regulations, other relevant laws, and NYSOFA policies. The AAAs were further instructed to include these requirements in each agreement made with such providers (OAA §306[a][4][A]) and to specify how the provider intends to meet specific objectives for satisfying the service needs of, and providing services to, low-income minority individuals, older individuals with limited English proficiency, and older individuals residing in rural areas (OAA §306[a][4][A]). Accordingly, these requirements will be added to the Second Amendments in the form of an appendix.

It should be noted that the Westchester County Board of Legislators, by Act No. 148-2013 adopted on August 12, 2013, authorized Inter-Municipal Agreements with Westchester County municipalities, including the fifteen municipal entities (the "Contractors"), in connection with the Title IIIC Program.

The grant agreement does not constitute a procurement and as such, the requirements of the County Procurement Policy do not apply. The Inter-Municipal Agreements described above are exempt under Section 3(a) Subsection iii of the Westchester County Procurement Policy. The agreements with the agencies are exempt pursuant to Section 3(a) Subsections iii and xix of the Policy. Nutrition sites administered by municipalities are unique local sites for serving the elderly in a

community, which are heavily subsidized by such municipalities and there are no private alternatives that duplicate these programs.

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 amended hereby, all remaining terms and conditions set forth in the Agreements, as amended, shall remain in full force and effect.

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

MC/SJ/jpg

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/24/2014 - JIMMY VEIRA, SECRETARY

RESOLUTION

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

- RESOLVED, that the County of Westchester (the "County") is hereby authorized to enter into an agreement with State of New York, acting by and through the New York State Office for the Aging (NYSOFA), to accept a grant up to an amount not-to-exceed \$2,138,069.00 to provide various nutrition programs (the "Programs) for the elderly pursuant to Titles IIIC-1, IIIC-2, and the Nutritional Services Incentive Program ("NSIP") of the Older Americans Act for the program period commencing January 1, 2014 and terminating December 31, 2014; and be it further
- RESOLVED, that the County is hereby authorized to amend the Inter-Municipal and Interagency Agreements (the "Agreements") with the seventeen (17) entities listed in the attached Schedule "A" (the "Contractors") to exercise the second of its four (4) options to renew the Agreements with the Contractors to provide the Programs for the elderly under Titles IIIC-1, IIIC-2, and NSIP of the Older Americans Act for up to a total aggregate amount not-to-exceed \$2,005,001.00 comprised of \$1,644,981.00 in Federal funds to be paid pursuant to an approved budget and \$360,020.00 in Contractor matching funds in the individual amounts also set forth in the attached Schedule "A", for the program period commencing January 1, 2014 and terminating December 31, 2014; and be it further
- RESOLVED, that the County is hereby further authorized to amend the Agreements with the Contractors to add certain provisions required by NYSOFA concerning equal access to services, non-discrimination and concentration of services on target populations; and be it further
- RESOLVED, that except as specifically amended hereby, all remaining terms and conditions set forth in the Agreements, as amended, shall remain in full force and effect; 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.

Account to be:

	Fund	Dept	Major Program Program & Phase , Unit	Object/Sub- Object	Trust Account	Dollars
Credited	263	85	941P	9853	T 941	\$1,024,624.00
Credited	263	85	942P	9853	T 942	\$ 441,839.00
Credited	263	85	939N	9853	T 939	\$ 397,494.00
Credited	263	85	939N	9853	T 939	\$ 274,112.00
Charged	263	85	941P	4380	T 941	\$ 635,464.00
Charged	263	85	942P	4380	T 942	\$ 337,911.00
Charged	263	85	939N	4380	T 939	\$ 397,494.00
Charged	263	85	939N	4380	T 939	\$ 274,112.00
Charged	263	85	941P+ 942P	VARIOUS	T941&T942	\$ 493,088.00

Budget Funding Year(s): Unit 941P & 942P 2014 Start Date 1/1/14 End Date 12/31/14

(must match resolution)

Unit 939N 2013-2014 Start Date 10/1/13 End Date 9/30/14

Funding Source

Tax Dollars \$ 0

State Aid \$ 0

\$2,138,069.00

Federal Aid \$ 2,138,069.00

(must match resolution)

Other \$ 0

APPROVED BOARD OF ACQUISITION & CONTRACT MGT/2014 - JOSELYN VIERA, SECRETARY

SCHEDULE "A"

MUNICIPALITY	NOT TO EXCEED FEDERAL FUNDS		NOT TO EXCEED FEDERAL FUNDS		CONTRACTOR MATCH		NET AMOUNTS	
	<u>IIIC-1</u>	<u>IIIC-1 NSIP</u>	<u>IIIC-2</u>	<u>IIIC-2 NSIP</u>	<u>IIIC-1</u>	<u>IIIC-2</u>	<u>IIIC-1</u>	<u>IIIC-2</u>
Cortlandt	\$12,956	\$6,070	\$20,836	\$12,834	\$4,792	\$7,707	\$23,818	\$41,377
Eastchester	\$43,607	\$38,550	\$16,922	\$12,554	\$16,129	\$6,259	\$98,286	\$35,735
Greenburgh	\$64,042	\$31,800	\$39,648	\$24,638	\$23,687	\$14,665	\$119,529	\$78,951
Mamaroneck	\$14,985	\$11,478	\$41,709	\$39,514	\$5,542	\$15,427	\$32,005	\$96,650
Mount Kisco	\$23,763	\$19,992	\$20,943	\$19,704	\$8,789	\$7,746	\$52,544	\$48,393
Mount Pleasant	\$23,796	\$16,428	\$14,659	\$10,348	\$8,801	\$5,422	\$49,025	\$30,429
Mount Vernon	\$46,843	\$43,658	\$52,593	\$36,534	\$17,326	\$19,453	\$107,827	\$108,580
New Rochelle	\$66,529	\$41,012	\$0	\$0	\$24,607	\$	\$132,148	\$0
Ossining	\$21,263	\$19,270	\$21,016	\$21,546	\$7,864	\$7,773	\$48,397	\$50,335
Peekskill	\$40,925	\$26,612	\$14,123	\$13,452	\$15,137	\$5,224	\$82,674	\$32,799
Port Chester	\$42,947	\$34,510	\$6,403	\$4,918	\$15,885	\$2,368	\$93,342	\$13,689
Somers	\$19,247	\$11,512	\$0	\$0	\$7,119	\$0	\$37,878	\$0
White Plains	\$35,200	\$19,070	\$0	\$0	\$13,019	\$0	\$67,289	\$0
Yonkers	\$130,822	\$43,446	\$49,171	\$36,982	\$48,386	\$18,187	\$222,654	\$104,340
Yorktown	\$20,448	\$16,996	\$29,472	\$34,048	\$7,563	\$10,900	\$45,007	\$74,420
<u>Not for Profit Organizations:</u>								
Westchester Jewish Community Services	\$10,330	\$5,788	\$10,416	\$7,040	\$3,821	\$3,853	\$19,939	\$21,309
YWCA Yonkers	<u>\$17,761</u>	<u>\$11,302</u>	<u>\$0</u>	<u>\$0</u>	<u>\$6,569</u>	<u>\$0</u>	<u>\$35,632</u>	<u>\$0</u>
\$TOTAL	\$635,464	\$397,494	\$337,911	\$274,112	\$235,036	\$124,984	\$1,267,994	\$737,007

APPROVED BOARD OF ACQUISITIONS CONTRACT # 04/24/2018 PRIMARY WFA, SECRETARY