

38961

DATE: March 10, 2014

TO: Board of Acquisition and Contract

FROM: Melissa Staats
Acting Commissioner, Department of Community Mental Health

SUBJECT: Authority to enter into the following two agreements, each of which will be for a term from April 1, 2014 through December 31, 2014:

- 1) An agreement with Volunteers of America - Greater New York, Inc., pursuant to which it will operate an intensive residential chemical dependency treatment program, for an amount not-to-exceed \$1,392,798.00; and
- 2) An agreement with St. Joseph's Hospital, pursuant to which it will operate a chemical dependency treatment outpatient program, for an amount not-to-exceed \$256,429.00.

By a resolution approved by your Honorable Board on December 1, 2011, the County of Westchester (the "County") was authorized to, among other things, enter into an agreement with The Renaissance Project, Inc. ("Renaissance"), pursuant to which Renaissance was to provide certain substance abuse services, for an amount not-to-exceed 12,948,423.00, for a term January 1, 2012 through December 31, 2016 (the "Original Agreement"). The Original Agreement was subsequently executed.

By a resolution approved by your Honorable Board on November 14, 2013, your Honorable Board authorized the County to, among other things, amend the Original Agreement by increasing the above-specified not-to-exceed amount by \$2,236,137.00 (the "First Amendment"). The First Amendment was subsequently executed. Accordingly, under the Original Agreement, as amended by the First Amendment, (the "Renaissance Agreement"), Renaissance was to be paid an amount not-to-exceed \$15,184,560.00.

Recently, Renaissance has experienced significant financial difficulties. After reviewing the current performance level and financial position of Renaissance, the County determined that Renaissance will not be capable of providing services under the Renaissance Agreement past March 31, 2014, as Renaissance will not be capable of generating sufficient income to meet its

operating expenses and financial obligations past that date. Accordingly, the County has notified Renaissance that the County is terminating the Renaissance Agreement as of March 31, 2014.

However, the County will still need to receive these substance abuse services past March 31, 2014. As providers of such substance abuse services are licensed by New York State, the County has been in contact with the New York State Office of Alcohol and Substance Abuse Services ("OASAS") to determine how the County can continue to receive the necessary substance abuse services past March 31, 2014.

OASAS has recently advised the County that New York State has issued temporary licenses as follows:

- 1.) A temporary license for Volunteers of America - Greater New York, Inc. ("VOA") to operate an intensive residential chemical dependency treatment program, in accordance with 14 NYCRR Part 819 ("Part 819"), that is located in Ellenville, New York; and
- 2.) A temporary license for St. Joseph's Hospital ("St. Joseph's") to operate a chemical dependency treatment outpatient program, in accordance with 14 NYCRR Part 822 ("Part 822"), that is located in Port Chester, New York.

Based on these temporary licenses, VOA and St. Joseph's can provide the County with the necessary substance abuse services after the Renaissance Agreement is terminated effective March 31, 2014. Accordingly, authority is respectfully requested from your Honorable Board for the County to enter into the following two agreements, each of which will be for a term April 1, 2014 through December 31, 2014:

- 1) An agreement with VOA, pursuant to which VOA will operate an intensive residential chemical dependency treatment program, in accordance with Part 819, that is located in Ellenville, New York, for an amount not-to-exceed \$1,392,798.00; and
- 2) An agreement with St. Joseph's, pursuant to which St. Joseph's will operate a chemical dependency treatment outpatient program, in accordance with Part 822, that is located in Port Chester, New York, for an amount not-to-exceed \$256,429.00.

During the term of the proposed agreements, the County intends to continue to work with OASAS and procure one or more providers for these substance abuse services for the period beyond December 31, 2014.

The proposed agreements will serve a public purpose by ensuring that the County can continue to receive necessary substance abuse services from new service providers.

The goal and objective of the proposed agreements is to ensure that the County can continue to receive necessary substance abuse services from new service providers

The goal and objective of the proposed agreements is in the best interests of the County

in terms of health and the environment, as they will ensure that the County can continue to receive necessary substance abuse services from new service providers.

The goals and objectives of the proposed agreements will be tracked and monitored by the Department of Community Mental Health.

The procurement of the proposed agreements is exempt from the requirements of the County's Procurement Policy pursuant to Section 3(a)(xi) thereof, which exempts "any procurement made pursuant to procurement procedures provided for under any other federal or state law applicable to such procurement," as the County has complied with the procedures specified by the United States Department of Health and Human Services.

I respectfully recommend the adoption of the attached Resolution.

MS/TP/bdm/nn

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/13/2014 - COUNTY CLERK SECRETARY

RESOLUTION

Upon a communication from the Acting Commissioner of the Department of Community Mental Health, be it hereby

RESOLVED, that the County of Westchester (the "County") is hereby authorized to enter into the following two agreements, each of which will be for a term April 1, 2014 through December 31, 2014:

- 1) An agreement with Volunteers of America - Greater New York, Inc. ("VOA"), pursuant to which VOA will operate an intensive residential chemical dependency treatment program, in accordance with 14 NYCRR Part 819, that is located in Ellenville, New York, for an amount not-to-exceed \$1,392,798.00; and
- 2) An agreement with St. Joseph's Hospital ("St. Joseph's"), pursuant to which St. Joseph's will operate a chemical dependency treatment outpatient program, in accordance with 14 NYCRR Part 822, that is located in Port Chester, New York, for an amount not-to-exceed \$256,429.00.

; 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	Unit	Object/ Sub Object/	Trust Account	Activity	Dollars

Budget Funding Year(s): _____
(must match resolution)

Start Date: April 1, 2014 End Date: December 31, 2014

Funding Source:

Tax Dollars: _____
State Aid: _____
Federal Aid: _____
Other: _____

\$ _____
(must match resolution)