

**39172**

DATE: March 21, 2014

TO: Board of Acquisition and Contract

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

SUBJECT: Authority to amend each of three (3) agreements, as follows:

- 1) a grant agreement with the United States Department of Justice to receive a grant in the amount of \$443,188 for a family-based offender substance abuse treatment program, in order to extend its term by one (1) year, to a new termination date of September 30, 2014;
- 2) an agreement with St. John's Riverside Hospital, pursuant to which it was to provide pre- and post-release services targeted to substance-abusing offenders who are parents, in order to, a) decrease the amount not-to-exceed authorized thereunder by \$30,679.00, b) modify its budget based upon this decrease, and c) extend its term by one (1) year, to a new termination date of September 30, 2014; and
- 3) an agreement with Social Policy Innovations, Inc., pursuant to which it was to provide program evaluation services for the pre- and post-release services to be provided by St. John's Riverside Hospital, in order to, a) increase the amount not-to-exceed authorized thereunder by \$20,998.00, b) modify its budget based upon this increase, c) modify its scope of services to add an additional service, and d) extend its term by one (1) year, to a new termination date of September 30, 2014.

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By a resolution approved on March 1, 2012 (the "March 1<sup>st</sup> Resolution"), your Honorable Board authorized the County of Westchester (the "County") to enter into three (3) separate agreements, as follows:

- 1.) a grant agreement with the United States Department of Justice ("USDOJ"), pursuant to which the County was to receive from USDOJ a grant in the amount of \$443,188 for a family-based offender substance abuse treatment program, for the term October 1, 2011 through September 30, 2013 (the "Grant Agreement");
- 2.) an agreement with St. John's Riverside Hospital ("St. John's"), pursuant to which St. John's was to provide pre- and post-release services targeted to substance-abusing

offenders who are parents, for an amount not-to-exceed \$354,128, pursuant to an approved budget, for the term October 1, 2011 through September 30, 2013 (the "St. John's Agreement"), with the St. John's Agreement being funded by a portion of the funds to be received by the County under the Grant Agreement; and

- 3.) an agreement with Social Policy Innovations, Inc. ("SPI"), pursuant to which SPI was to provide program evaluation services for the pre- and post-release services to be provided by St. John's, for an amount not-to-exceed \$47,950, pursuant to an approved budget, for the term October 1, 2011 through September 30, 2013 (the "SPI Agreement"), with the SPI Agreement being funded by a portion of the funds to be received by the County under the Grant Agreement.

As described in the March 1<sup>st</sup> Resolution, the difference of \$41,110 between the grant funds to be received under the Grant Agreement and the grant funds to be paid out under the St. John's Agreement and the SPI Agreement was to be retained by the Department of Community Mental Health ("DCMH") for administrative purposes.

The County was recently notified that USDOJ has, a) authorized a one (1) year, no-cost extension of the grant the County received under the Grant Agreement, and b) authorized the re-allocation of the grant funds as follows:

<u>Contract</u>	<u>Current Not-To-Exceed Amount</u>	<u>New Not-To-Exceed Amount</u>	<u>Change</u>
St. John's Agreement	\$354,128.00	\$323,449.00	- \$30,679.00
SPI Agreement	\$ 47,950.00	\$ 68,948.00	+ \$20,998.00

It should be noted that USDOJ also authorized the County to increase the amount of the grant that DCMH would retain for administrative purposes by \$9,681.00, from \$41,110.00 to \$50,791.00.

This reallocation of funds was undertaken because St. John's will not bill the County as much for its services as it had anticipated, based upon its provision of the services beginning later than expected. Accordingly, these excess funds can be best used for other purposes. As described above, a portion of these excess funds will be retained by DCMH for administrative purposes. The remaining funds will be used to pay SPI for providing the same services during the proposed extended term of the SPI Agreement as it has provided during the original term of the SPI Agreement, as well as the additional service of obtaining certain necessary data files from the New York State Division of Criminal Justice Services.

Accordingly, the County respectfully requests authority from your Honorable Board to amend each of the Grant Agreement, the St. John's Agreement, and the SPI Agreement, as follows:

- 1) amend the Grant Agreement in order to extend its term by one (1) year, to a new termination date of September 30, 2014;

- 2) amend the St. John's Agreement in order to, a) decrease the amount not-to-exceed authorized thereunder by \$30,679.00, b) modify its budget based upon this decrease, and c) extend its term by one (1) year, to a new termination date of September 30, 2014; and
- 3) amend the SPI Agreement in order to, a) increase the amount not-to-exceed authorized thereunder by \$20,998.00, b) modify its budget based upon this increase, c) modify its scope of services to add an additional service, and d) extend its term by one (1) year, to a new termination date of September 30, 2014

(collectively, the "Amendments").

Except as otherwise expressly provided herein, all other terms and conditions of the Grant Agreement, the St. John's Agreement, and the SPI Agreement shall remain in full force and effect upon the parties.

Regarding the Grant Agreement, 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 proposed Amendments will serve a public purpose by giving the County additional time to expend Federal funds for a family-based offender substance abuse treatment program, and re-allocating the Federal funds in order to make the most efficient use of them.

The goals and objectives of the proposed Amendments are to provide the County with additional time to expend Federal funds for a family-based offender substance abuse treatment program, and to re-allocate the Federal funds in order to make the most efficient use of them.

The goals and objectives of the proposed Amendments are in the best interests of the County in terms of fiscal responsibility, as they will provide the County with additional time to expend Federal funds that have been made available to the County by USDOJ, and also re-allocate those the Federal funds in order to make the most efficient use of them.

The goal and objective of the proposed Amendments will be tracked and monitored by the staff of DCMH.

Accordingly, I most respectfully recommend the adoption of the annexed Resolution.

MS/TP/bdm/nn

## RESOLUTION

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

**RESOLVED**, that the County of Westchester is hereby authorized to amend each of three (3) agreements, as follows:

- 1.) amend a grant agreement with the United States Department of Justice (“USDOJ”), pursuant to which the County was to receive from USDOJ a grant in the amount of \$443,188 for a family-based offender substance abuse treatment program, for the term October 1, 2011 through September 30, 2013 (the “Grant Agreement”), in order to extend its term by one (1) year, to a new termination date of September 30, 2014;
- 2.) amend an agreement with St. John’s Riverside Hospital (“St. John’s”), pursuant to which St. John’s was to provide pre- and post-release services targeted to substance-abusing offenders who are parents, for an amount not-to-exceed \$354,128, pursuant to an approved budget, for the term October 1, 2011 through September 30, 2013 (the “St. John’s Agreement”); in order to, a) decrease the amount not-to-exceed authorized thereunder by \$30,679.00, b) modify its budget based upon this decrease, and c) extend its term by one (1) year, to a new termination date of September 30, 2014;
- 3.) amend an agreement with Social Policy Innovations, Inc. (“SPI”), pursuant to which SPI was to provide program evaluation services for the pre- and post-release services to be provided by St. John’s, for an amount not-to-exceed \$47,950, pursuant to an approved budget, for the term October 1, 2011 through September 30, 2013 (the “SPI Agreement”) in order to, a) increase the amount not-to-exceed authorized thereunder by \$20,998.00, b) modify its budget based upon this increase, c) modify its scope of services to add an additional service, and d) extend its term by one (1) year, to a new termination date of September 30, 2014

; and be it further

**RESOLVED**, that except as specifically amended hereby, all terms and conditions of the Grant Agreement, the St. John’s Agreement, and the SPI Agreement shall remain in full force and effect; 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
263	26	090L	4380	T090	4000	(142,890)
263	26	090L	Various	T090	4000	1,248
263	26	090M	4380	T090	4000	(64,319)
263	26	090M	Various	T090	4000	(7,527)
263	26	090N	4380	T090	4000	203,807
263	26	090N	Various	T090	4000	9,681
263	26	090L	9852	T090	4000	(141,642)
263	26	090M	9852	T090	4000	(71,846)
263	26	090N	9852	T090	4000	213,488

Budget Funding Year(s) \_\_\_\_\_ Start Date: October 1, 2011 End Date: September 30, 2014  
 (must match resolution)

Funding Source: Tax Dollars \_\_\_\_\_  
 State Aid \_\_\_\_\_  
 Federal Aid \_\_\_\_\_ N/A \_\_\_\_\_  
 Other \_\_\_\_\_  
 \$ N/A  
 (must match resolution)

APPROVED BOARD OF ACQUISITION & CONTRACTS - JOMAR SERRA, SECRETARY