

**39203**

DATE: March 25, 2014

TO: Board of Acquisition & Contract

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

RE: Authority to:

- 1) exercise the first of five (5) renewal options to renew an inter-agency agreement with the Mental Health Association of Westchester, Inc. to operate the Long Term Care Ombudsman Program for the elderly under Title IIIB of the Older Americans Act, for a total amount not-to-exceed \$50,662 for the program period commencing January 1, 2014 and continuing through December 31, 2014; and
- 2) amend the Agreement with the Mental Health Association of Westchester, Inc. to add certain provisions required by the New York State Office for the Aging ("NYSOFA") concerning equal access to services non-discrimination and concentration of services on target populations.

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By resolution approved on May 9, 2013 (the "May 9th Resolution"), your Honorable Board authorized the County of Westchester, acting by and through its Department of Senior Programs and Services (the "Department") to enter into agreements (the "Agreements") with Family Service of Westchester, Inc. ("FSW") and the Mental Health Association of Westchester, Inc. ("MHA") (the "Contractors") to operate the Long Term Care Ombudsman Program for the elderly under Title IIIB of the Older Americans Act (the "Program") for the program period commencing January 1, 2013 and continuing through December 31, 2013, for a total aggregate amount not-to-exceed \$100,662, in the individual amounts set forth in Schedule A, attached to the May 9<sup>th</sup> Resolution, with the County having the sole option to renew the Agreements for up to five (5) additional one-year periods, subject to the prior approval of your Honorable Board. The Agreements were subsequently executed.

Although the May 9<sup>th</sup> Resolution authorized the County to exercise renewal options under both Agreements, the Department has chosen only to exercise its option to renew the contract with MHA. Accordingly, authority is hereby requested for the County to exercise the first of its five renewal options to renew the agreement with MHA, pursuant to which MHA will provide Program services for the period January 1, 2014 through December 31, 2014 for a total amount not-to-exceed \$50,662, comprised of \$22,000 in Federal grant funds and \$28,662 in County matching funds.

Authority is also requested to amend the Agreement with MHA 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 contract amendment in the form of an appendix.

It should be noted that \$22,000 in Federal Title IIIB funding will be used to fund the contract with MHA. Although competitive procurement would ordinarily be required under the Federal Common Grant Rules, the Department was advised in 2011 by Mark Miller, the State Ombudsman that since “the MHA is the single, officially designated ombudsman program for the county . . . putting designated IIIB funds out through an RFP process seems to be an unnecessary administrative burden for both the county and MHA . . . [and] I do not believe the designation of a second entity to cover the jurisdiction would be in the best interests of the program or the long-term care residents of the County

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

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

MC/SJ/

Att.

APPROVED BOARD OF ACQUISITION & CONTRACTS - 04/11/2014 - COUNTY CLERK'S OFFICE

# RESOLUTION

UPON COMMUNICATION FROM THE COMMISSIONER OF THE WESTCHESTER COUNTY DEPARTMENT OF SENIOR PROGRAMS AND SERVICES BE IT HEREBY:

RESOLVED, that the County of Westchester (the "County") is hereby authorized to exercise the first of its five (5) options to renew an agreement (the "Agreement") with the Mental Health Association of Westchester, Inc. (the "Contractor") to operate the Long Term Care Ombudsman Program for the elderly under Title IIIB of the Older Americans Act, for an amount not-to-exceed \$50,662, comprised of \$22,000 in Federal grant funds and \$28,662 in County matching funds for the program period commencing January 1, 2014 and continuing through December 31, 2014; and be it further

RESOLVED, that the County is hereby further authorized to amend the Agreement with the Contractor 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; and be it further

RESOLVED, that except as specifically amended hereby, all remaining terms and conditions set forth in the Agreement, 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 Or Unit  or Org	Object/  Sub Object	Trust  Account	Dollars																															
Charged	263	85	686P	4830	T-686	\$50,662																															
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">Budget Funding Year(s) (must match resolution)</td> <td style="width: 20%; text-align: center;"><u>2014</u></td> <td style="width: 15%;">Start Date</td> <td style="width: 15%; text-align: center;"><u>1/1/14</u></td> <td style="width: 15%;">End Date</td> <td style="width: 20%; text-align: center;"><u>12/31/14</u></td> </tr> <tr> <td rowspan="4">Funding Source  \$50,662 (must match resolution)</td> <td style="text-align: right;">Tax Dollars</td> <td style="text-align: right;"><u>\$ 28,662</u></td> <td colspan="4"></td> </tr> <tr> <td style="text-align: right;">State Aid</td> <td style="text-align: right;"><u>\$ 0</u></td> <td colspan="4"></td> </tr> <tr> <td style="text-align: right;">Federal Aid</td> <td style="text-align: right;"><u>\$ 22,000</u></td> <td colspan="4"></td> </tr> <tr> <td style="text-align: right;">Other</td> <td style="text-align: right;"><u>\$ 0</u></td> <td colspan="4"></td> </tr> </table>							Budget Funding Year(s) (must match resolution)	<u>2014</u>	Start Date	<u>1/1/14</u>	End Date	<u>12/31/14</u>	Funding Source  \$50,662 (must match resolution)	Tax Dollars	<u>\$ 28,662</u>					State Aid	<u>\$ 0</u>					Federal Aid	<u>\$ 22,000</u>					Other	<u>\$ 0</u>				
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