

40548

DATE: May 28, 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 ("NYSOFA") to accept a grant in an amount not to exceed \$1,387,412.00, comprised of \$1,040,546.00 in State funding for the Wellness in Nutrition Program ("WIN") and \$346,866.00 in Federal funding for the Nutritional Services Incentive Program ("NSIP") to provide nutrition services to the elderly under the Older Americans Act, for the program period April 1, 2014 through March 31, 2015; and
- b) To amend Inter-Municipal Agreements (IMAs) with the fourteen (14) municipalities set forth in the attached Schedule "A", in order to exercise the second of two (2) options to renew the IMAs to administer nutrition services, including congregate and home-delivered meal programs, outreach, nutrition education and nutrition counseling, to the elderly under the WIN and the NSIP programs for an aggregate amount not to exceed \$1,146,089.00, comprised of \$799,223.00 in State funding and \$346,866 in Federal funding for the program period April 1, 2014 through March 31, 2015; and
- c) Amend the IMAs with the Contractors to add certain provisions required by NYSOFA concerning equal access to services, non-discrimination and concentration of services on target populations

The County of Westchester (the "County"), acting by and through the Department of Senior Programs and Services (the "Department"), seeks authority from your Honorable Board to enter into an agreement with the NYSOFA to accept a grant for an amount not to exceed \$1,387,412.00, comprised of \$1,040,546.00 in State funding for the WIN program (formerly known as the Supplemental Nutrition Assistance Program ("SNAP")) and \$346,866 in Federal funding for the NSIP program, to provide nutrition services to the elderly under the Older Americans Act, for the program period April 1, 2014 through March 31, 2015..

Additionally, by resolution approved on June 14, 2012 (the "June 14th Resolution") your Honorable Board authorized the County, acting by and through the Department to enter into Inter-Municipal Agreements (the "IMAs) with the fourteen (14) municipalities set forth in the attached Schedule "A" (the "Contractors")", for the purpose of administering the aforementioned nutrition services, including congregate and home-delivered meal programs, outreach, nutrition education and nutrition counseling, for the elderly (the "Programs") for a

total aggregate amount not-to-exceed \$1,033,261.00 in Federal funds, for the program period, April 1, 2012 through March 31, 2013 in the individual amounts set forth in Schedule "A", attached to the June 14th Resolution, with the County having the sole option to renew the IMAs for up to two (2) additional one (1) year terms, subject to the prior approval of your Honorable Board. The Agreements were subsequently executed.

Thereafter, by resolution approved on May 30, 2013 (the "May 30th Resolution"), your Honorable Board authorized the County to exercise the first of its two (2) options to renew the IMAs with the Contractors for the purpose of administering the Programs for a total aggregate amount not-to-exceed \$1,117,895.00 in Federal funds, in the individual amounts set forth in Schedule "A", attached to the May 30th Resolution.

Thereafter, by resolution approved on October 17, 2013 (the "October 17th Resolution"), your Honorable Board authorized the County to amend the May 30th Resolution for the purpose of changing the funding sources under the agreement with NYSOFA to reflect \$1,040,546.00 in State funds for SNAP and \$351,528.00 in Federal funds for NSIP for a revised total aggregate amount not to exceed \$1,392,074.00. The October 17th Resolution further authorized the County to amend the May 30th Resolution in order to revise the funding amounts for the Village/Town of Mount Kisco, Town of Mount Pleasant, Village of Port Chester and the Town of Somers, and to also revise the funding amounts as set forth in the Revised Schedule "A" attached to the October 17th Resolution, for a total aggregate amount not to exceed \$1,150,751.00. The IMAs were subsequently executed.

The County now seeks authority to further amend the IMAs with the fourteen (14) Contractors set forth in the attached Schedule "A", for the purpose of exercising the second of its two (2) renewal options thereunder in a total aggregate amount not-to-exceed \$1,146,089.00, comprised of \$799,223.00 in State funds for the WIN program and \$346,866 in Federal funds for the NSIP program, in the individual not-to-exceed amounts set forth in the attached Schedule "A" to be paid pursuant to an approved budget, for the program period April 1, 2014 through March 31, 2015. The remaining \$241,323.00 in State funds will be used directly by the Department to provide nutrition counseling, nutrition education, Service Coordination and Program Development as well as Area Agency Administration.

With regard to the distribution of NSIP funding, the agreements with the fourteen (14) Contractors listed in Schedule "A" will provide that the Department will be authorized to distribute such funding 1) contingent upon its receiving further State approval; and 2) by providing the Contractors with written confirmation that the State has authorized the distribution of such funds, without the need for the Contractor to execute a supplemental agreement. This practice was approved by your Honorable Board in 2010 to avoid the administrative difficulties involved in distributing NSIP funds prior to the State-imposed deadline.

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 NYOSFA 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]).

It should be noted that the Westchester County Board of Legislators, by Act No. 78 - 2014, authorized the County to enter into IMAs with municipalities in Westchester County to provide nutrition assistance to the elderly.

The Agreement with NYOSFA to accept the grant funds does not constitute a procurement and as such is not subject to the requirements of the Westchester County Procurement Policy. The agreements with the municipalities constitute sole source procurements under the federal Common Grant Rules because these municipally-run congregate care and home-delivered meal programs are highly subsidized by the municipalities and there are no realistic alternative providers.

Except as specifically amended hereby, all remaining terms and conditions set forth in the IMAs with the 14 Contractors shall remain the same; and be it further

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.

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

MC/SJ

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 the New York State Office for the Aging ("NYSOFA") to accept a grant for an amount not to exceed \$1,387,412.00, comprised of \$1,040,546.00 in State funding for the Wellness in Nutrition Program ("WIN") formerly known as the Supplemental Nutrition Assistance Program ("SNAP") and \$346,866 in Federal funding for the Nutritional Services Incentive Program ("NSIP") to provide nutrition services to the elderly under the Older Americans Act, for the program period April 1, 2014 through March 31, 2015; and be it further

RESOLVED, that the County is hereby further authorized to exercise the second of its two (2) options to renew Inter-Municipal Agreements (the "IMAs") with the fourteen (14) municipalities (the "Contractors") listed in the attached Schedule "A" to administer nutrition programs for the elderly under WIN and NSIP, in the individual amounts set forth in the attached Schedule "A", for a total aggregate amount not-to-exceed \$1,146,089.00, comprised of \$799,223.00 in State funds and \$346,866 in Federal funds to be paid pursuant to an approved budget, for the program period April 1, 2014 through March 31, 2015; and be it further

RESOLVED, that with regard to the distribution of NSIP funding, the IMAs with the Contractors shall provide that the Department will be authorized to distribute such funding 1) contingent upon its receiving State approval; and 2) by providing the Contractors with written confirmation that the State has authorized the distribution of such funds, without the need for the Contractors to execute a supplemental agreement; and be it further

RESOLVED, that the County is hereby further authorized to add certain provisions to the IMAs with the Contractors as 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; and be it further

RESOLVED, that except as otherwise specifically amended hereby, all remaining terms and conditions set forth in the IMAs shall remain the same; 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.

Original Agreement: \$1,033,261.00
 First Amendment: \$1,150,751.00
 Second Amendment: \$1,146,089.00
 Total: \$3,330,101.00

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
Charged	263	85	928P	4380	T928	\$799,223.00
Charged	263	85	939N	4380	T939	\$346,866.00
Charged	263	85	928P	Various	T928	\$241,323.00
Credited	263	85	928P	9854	T928	\$1,040,546.00
Credited	263	85	939N	9853	T939	\$346,866.00

Budget Funding Year(s) Unit 928P 2014-2015 Start Date 4/1/14 End Date 3/31/15
 (must match resolution)

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

Funding Source Tax Dollars _____

State Aid \$1,040,546.00

\$1,387,412.00 Federal Aid \$346,866.00

(must match resolution) Other _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 06/25/2014 - JOMAR NEIRA, SECRETARY

SCHEDULE "A"

<u>MUNICIPALITY</u>	<u>STATE FUNDS NOT-TO-EXCEED</u>	<u>FEDERAL FUNDS (NSIP) NOT-TO-EXCEED</u>	<u>TOTAL NOT-TO-EXCEED</u>
Cortlandt	\$5,696	\$1,542	\$7,238.00
Eastchester	\$37,914	\$20,314	\$58,228.00
Greenburgh	\$96,443	\$54,360	\$150,803.00
Mamaroneck	\$6,225	\$2,062	\$8,287.00
Mount Kisco	\$8,495	\$1,616	\$10,111.00
Mount Pleasant	\$56,829	\$19,350	\$76,179.00
Mount Vernon	\$91,905	\$49,318	\$141,223.00
New Castle	\$17,260	\$9,458	\$26,718.00
Ossining	\$38,633	\$20,628	\$59,261.00
Peekskill	\$70,577	\$31,224	\$101,801.00
Port Chester	\$51,102	\$11,866	\$62,968.00
Somers	\$74,915	\$46,154	\$121,069.00
Yonkers	\$233,872	\$74,656	\$308,528.00
Yorktown	<u>\$9,357</u>	<u>\$4,318</u>	<u>\$13,675.00</u>
Total	\$799,223.00	\$346,866.00	\$1,146,089.00