

40897

DATE: June 09, 2014

TO: Board of Acquisition & Contract

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

RE: Request for authority to:

- a) Amend Inter-Agency agreements (the "Agreements") with Richard L. Aronson, Inc d/b/a A&A Staffing Health Care Services and Family Services of Westchester, Inc. (the "Contractors") to exercise the County's first renewal option, pursuant to which the Contractors provide Homemaker/Personal Care services for the elderly under Title IIIB of the Older Americans Act, for a total aggregate amount not to exceed \$32,074, comprised of \$28,866 in Federal funds and \$3,208 in Contractor matching funds for the period January 1, 2014 through December 31, 2014; and
- b) 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.
- c) Add the revised Recipient Characteristics and Definitions on page 6 of Schedule A.

By resolution approved on July 11, 2013 (the "July 11th Resolution"), your Honorable Board authorized the County to enter the Agreements with the Contractors for the purpose of providing Homemaker/Personal Care services (the "Program") for the elderly under Title IIIB of the Older Americans Act in a total aggregate amount not to exceed \$21,940, comprised of \$19,746 in Federal funds to be paid based on a percentage of their respective approved Medicaid Rates, and \$2,194 in Contractor matching funds, for the period commencing January 1, 2013 and terminating December 31, 2013, with the County having the sole option to renew the Agreements for up to five (5) additional one (1) year periods, subject to the prior approval of your Honorable Board. The Agreements were subsequently executed.

The County now seeks authority to amend the Agreements to exercise the first of its five (5) options to renew the Agreements for the purpose of providing the Program services. Each agency will receive an amount not to exceed \$14,433 in Federal funds and will each contribute \$1,604 in Contractor matching funds to the Program, for a total aggregate amount not to exceed \$32,074, comprised of \$28,866 in Federal funds to be paid based on a percentage of their respective approved Medicaid Rates, and \$3,208 in Contractor matching funds, for the period commencing January 1, 2014 and terminating December 31, 2014.

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]). The Department also seeks authority to replace the 2013 Recipient Characteristics and Definitions on page 6 of Schedule A in the original agreements with the 2014 Recipient Characteristics and Definitions. Accordingly, these requirements and revisions will be added to the contract amendment in the form of Appendix "A" and Appendix "B" respectively.

The proposed amended Agreements are subject to the Federal Common Grant Rules, under which a market analysis must be conducted before a renewal option can be exercised. As a result, the Department solicited price quotes for the Program services to determine if there were other potential Contractors that could provide the Program services at a reduced cost. The Department received the following five (5) responses: Family Service Society of Yonkers, Bethel LTHHC, Grace Church Community Center, Home Health Services of WJCS and Living Life Home Care. After reviewing the quotes, the Department selected the Contractors for several reasons. Its rates were found to be in the range of the rates provided in the quotes; the services are provided to vulnerable, elderly clients with varying degrees of functional impairment for whom switching service providers would cause unnecessary service disruption and anxiety, and the Contractor has successfully provided the Program services over the past year. Therefore, upon analysis, the minimal price savings is offset by the potential negative impacts of changing the Contractor upon these vulnerable, elderly clients.

Except as specifically to be amended as described herein, all other terms and conditions set forth in the Agreements would remain in full force and effect.

Accordingly, approval of the attached resolution is most respectfully recommended.

MC/SJ/

RESOLUTION

UPON A COMMUNICATION FROM THE COMMISSIONER OF THE WESTCHESTER COUNTY DEPARTMENT OF SENIOR PROGRAMS AND SERVICES, be it hereby:

RESOLVED, that the County of Westchester is hereby authorized to exercise the first of its five (5) options to renew agreements (the "Agreements") with Richard L. Aronson, Inc. d/b/a A&A Staffing Health Care Services and Family Services of Westchester, Inc. to provide Homemaker/Personal Care services for the elderly under Title IIIB of the Older Americans Act for the period 1/1/14 through 12/31/14. Each agency will receive an amount not to exceed \$14,433 in Federal funds and will each contribute \$1,604 in Contractor matching funds to the Program, for a total aggregate amount not to exceed \$32,074, comprised of \$28,866 in Federal funds to be paid based on a percentage of their respective approved Medicaid Rates, and \$3,208 in Contractor matching funds; 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 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 the County is hereby further authorized to amend the Agreement with the Contractor to replace the Recipient Characteristics and Definitions on page 6 of Schedule A in the original Agreement with a revised Recipient Characteristics and Definitions page with updated Poverty Guidelines; and be it further

RESOLVED, that these Agreements are also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of the Agreements. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate the Agreements or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Contractor, then the Contractor shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further

RESOLVED, that except as specifically amended hereby, all other terms and conditions set forth in the Agreement 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 charged	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
charged	263	85	686P	4830	T-686	\$28,866
N/A	N/A	N/A	N/A	N/A	N/A	\$ 3,208

Budget Funding Years 2014
(must match resolution)

Start Date 1/1/14

End Date 12/31/14

Funding Source

Tax Dollars \$0

State Aid \$0

\$32,074

(must match resolution)

Federal Aid \$28,866

Other \$3,208

APPROVED BOARD OF ACQUISITION & CONTRACT - 07/11/14 - JOMARY VEIRA, SECRETARY

SCHEDULE A

IN-HOME HOMEMAKER CONTRACTOR AGENCIES: 2014
(To be reimbursed at their respective approved Medicaid Rates)

Richard L. Aronson, Inc. d/b/a A&A Staffing Health Care Services
Family Service of Westchester, Inc.

APPROVED BOARD OF ACQUISITION & CONTRACT - 07/17/2014 - JOHANNY VIEIRA, SECRETARY