

41497

DATE: July 23, 2014

TO: Honorable Members of the Board of Acquisition and Contract

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

RE: Authority to:

- 1) Enter into an agreement with the New York State Office for the Aging (“NYSOFA”) to accept a grant in the amount of \$304,213 for the purpose of administering and implementing the Senior Community Service Employment Program (“SCSEP”) under Title V of the Older Americans Act for the program period July 1, 2014 through June 30, 2015; and
- 2) Amend an agreement with the Urban League of Westchester County, Inc. for the provision of administration services in connection with the SCSEP, in order to:
 - a) Exercise the County’s first renewal option and thereby extend the term of the agreement for one additional year for the program period July 1, 2014 through June 30, 2015, for an amount not-to-exceed \$331,984, comprised of \$298,182 in Federal funds and \$33,802 in Contractor matching funds; and
 - b) Add certain provisions required by the 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 its Department of Senior Programs & Services (the “Department”) seeks authority from your Honorable Board to enter into an agreement with the NYSOFA to accept a grant in the amount of \$304,213 for the purpose of administering and implementing the SCSEP under Title V of the Older Americans Act for the program period July 1, 2014 through June 30, 2015.

Additionally, by resolution approved on August 15, 2013 (the “August 15th Resolution”), your Honorable Board authorized the County of Westchester (the “County”), acting by and through the Department of Senior Programs & Services (the “Department”) to, *inter alia*, enter into an agreement with the Urban League of Westchester County, Inc. (the “Urban League”), pursuant to which the Urban League was to provide administration services in connection with

the SCSEP program for an amount not-to-exceed \$298,182 to be paid pursuant to an approved budget for the program period July 1, 2013 through June 30, 2014, with the Urban League contributing \$33,802 in contractor matching funds (the "Agreement"). The August 15th Resolution further provided that the County, at its sole option, could renew the Agreement for up to five (5) additional one-year periods, on the same terms and conditions as the initial term, subject to the availability of funds, acceptable past performance and the prior approval of your Honorable Board (the "Agreement"). The Agreement was subsequently executed.

The County now seeks authority to amend the Agreement with the Urban League in order to exercise the first of its five renewal options thereunder for a term commencing July 1, 2014 and continuing through June 30, 2015 for an amount not-to-exceed \$298,182 to be paid pursuant to an approved budget, with the Urban League contributing \$33,802 in contractor matching funds.

Since this contract is paid for with funds subject to the Federal Common Grant Rules, 45 CFR 92.36 (f) requires grantees to perform a price or cost analysis in order to test the market before such an option may be exercised. In an effort to comply with this requirement, on March 26, 2014, my office sent an electronic mailing to Goodwill Industries Workforce Development and to several other agencies listed on the County's Minority and Women Owned Business database that provide employment services: 360 Meridian, LLC; Acclaim Integrated Services Co., Achieve-it, LLC; Alternate Staffing, Inc.; Amistad Consulting Group, Inc; ATRIA Consulting, LLC; Brannon Solutions Group; CAL and Associates; Crickett Staffing Services, Inc; Elite HR Group; Firm Success, LLC; First Choice Staffing, Inc. Despite these efforts, the only responses we received were from two agencies: Amistad Consulting Group and Brannon Solutions Group stating that they do not provide this type of service and therefore could not provide a price quote. In addition, Nonprofit Westchester sent out an email blast to their members, in which they requested price quotes for various services, including the SCSEP program. Unfortunately, there were no responses to this solicitation either.

Analysis/Determination:

The SCSEP program provides community service, work based training and counseling opportunities for low income persons age 55 and older who have multiple barriers to employment. The community service experience serves as a bridge to other employment opportunities that are not supported with government funds.

Taking into consideration the fact that the current vendor was the only proposer to respond to the 2013 RFP, coupled with the fact that no other vendors expressed an interest in the most recent solicitation, and the fact that the Urban League has performed admirably in providing SCSEP administration services through prior agreements, the Department believes that it would be most prudent to exercise the County's option under the current Agreement with the Urban League for these services.

It should be noted that 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.

Authority is also requested to amend the Agreement with the Urban League 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 Amendment in the form of an appendix.

The remaining \$6,031 in Federal funds will be retained by the Department for program monitoring and oversight.

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.

Except as specifically provided hereunder, all remaining terms and conditions of the Agreement shall remain in full force and effect.

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

MC/MJ/jpg

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 enter into an agreement with the New York State Office for the Aging ("NYSOFA") to accept a grant in the amount of \$304,213 for the purpose of administering and implementing the Senior Community Service Employment Program ("SCSEP") under Title V of the Older Americans Act for the program period July 1, 2014 through June 30, 2015; and be it further

RESOLVED, that the County of Westchester (the "County") is hereby authorized to amend an agreement with the Urban League of Westchester County, Inc. (the "Urban League"), pursuant to which the Urban League was to provide administration services in connection with the Senior Community Service Employment Program for an amount not-to-exceed \$298,182 to be paid pursuant to an approved budget for the program period July 1, 2013 through June 30, 2014, with the County having the sole option to renew the agreement for up to five (5) additional one-year periods, on the same terms and conditions as the initial term (the "Agreement"), by exercising the first of its five renewal options thereunder for a term commencing on July 1, 2014 and continuing through June 30, 2015 for an amount not-to-exceed \$298,182 to be paid pursuant to an approved budget, with the Urban League contributing \$33,802 in contractor matching funds; and be it further

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

RESOLVED, that except as specifically amended hereby, all remaining terms and conditions of the Agreement shall remain the same; and be it further

RESOLVED, that the County Executive or his authorized designee is hereby authorized to execute all instruments and take all actions reasonably necessary to implement this Resolution.

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
Credited	263	85	054P	9854	T054	\$304,213
Charged	263	85	054P	4380	054P	\$298,182
Charged	263	85	054P	various	054P	\$ 6,031

Budget Funding Year(s) 2014-2015 Start Date 7/1/14 End Date 6/30/15
(must match resolution)

Funding Source Tax Dollars: \$0 _____

State Aid: \$0 _____

\$304,213 Federal Aid: \$304,213 _____
(must match resolution)

APPROVED BOARD OF ACQUISITION & CONTRACTS - 08/21/2014 - JOHANN VIEIRA - SECRETARY