

44473

DATE: January 21, 2015

TO: Board of Acquisition & Contract

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

RE: Authority for the County of Westchester to exercise its second option to renew Inter-Municipal Agreements ("IMAs") with the fourteen (14) municipalities set forth in the attached Schedule "A", to operate Nutrition Site Transportation and Supportive Services Transportation programs for the elderly under Title IIIB of the Older Americans Act, for the program period commencing January 1, 2015 and continuing through December 31, 2015, for a total aggregate amount not-to-exceed \$346,035.00

By resolution approved on June 13, 2013 (the "June 13th Resolution"), your Honorable Board authorized the County of Westchester (the "County"), acting by and through its Department of Senior Programs and Services (the "Department"), to enter into IMAs with the thirteen (13) municipalities set forth in Schedule "A", attached to the June 13th Resolution (the "Contractors"), for the purpose of providing nutrition site transportation and supportive services transportation programs for the elderly under Title IIIB of the Older Americans Act (the "Program"), for the program period January 1, 2013 through December 31, 2013, for a total aggregate amount not-to-exceed \$374,670.00, comprised of \$221,055.00 in Federal grant funds and \$153,615.00 in Contractor matching funds, in the individual amounts set forth in Schedule "A", attached to the June 13th Resolution, with the County having the option to renew the IMAs for up to five (5) additional one-year periods, subject to the prior approval of the Westchester County Board of Legislators and your Honorable Board. The IMAs with the 13 municipalities were subsequently executed.

By separate resolution approved on August 8, 2013 (the "August 8th Resolution"), your Honorable Board authorized the County, acting by and through the Department, to enter into an IMA with a fourteenth municipality, the City of Mt. Vernon, to provide Program services for the period commencing January 1, 2013 and terminating December 31, 2013 for a total aggregate amount not-to-exceed \$9,812.00, comprised of \$5,789.00 in Federal grant funds and \$4,023.00 in Contractor matching funds, with the County having the option to renew the IMA with the City of Mt. Vernon for up to five (5) additional one-year periods, subject to the prior approval of the Westchester County Board of Legislators and your Honorable Board. The IMA with the City of Mt. Vernon was subsequently executed.

Thereafter, by resolution approved on March 27, 2014 (the "March 27th" Resolution), your Honorable Board authorized the County, *inter alia*, to exercise the first of its five options to renew the IMAs with the thirteen (13) Contractors set forth in Schedule "A", attached to the March 27th Resolution, to provide Program services for the period commencing January 1, 2014 and terminating December 31, 2014 for a total aggregate amount not-to-exceed \$337,204.00, comprised of \$198,950.00 in Federal grant funds and \$138,254.00 in Contractor matching funds, in the individual amounts set forth in Schedule "A", attached to March 27th Resolution (the "First Amendment"). The First Amendment to renew the IMAs with the 13 Contractors was subsequently executed.

By separate resolution approved on October 9, 2014 (the "October 9th Resolution"), your Honorable Board authorized the County, *inter alia*, to exercise the first of its five options to renew the IMA with the City of Mt. Vernon, to provide Program services for the period commencing January 1, 2014 and terminating December 31, 2014 for a total aggregate amount not-to-exceed \$8,831.00, comprised of \$5,210.00 in Federal grant funds and \$3,621.00 in Contractor matching funds (the "First Amendment with Mt. Vernon"). The First Amendment with Mt. Vernon was subsequently executed.

The County now seeks approval from your Honorable Board to exercise the second of its five (5) options to renew the IMAs with the fourteen (14) Contractors set forth in Schedule "A," attached to the annexed resolution (which now includes the City of Mt. Vernon), to provide Program services for the period commencing January 1, 2015 and terminating December 31, 2015, for a total aggregate amount not-to-exceed \$346,035.00, comprised of \$204,160.00 in Federal grant funds and \$141,875.00 in Contractor matching funds, in the individual amounts set forth in the attached Schedule "A".

It should be noted that the Westchester County Board of Legislators by Act No. 148 - 2013, adopted on August 12, 2013, authorized inter-municipal agreements with Westchester County municipalities, including the Contractors, in connection with the Title IIIB Program.

The grant agreement with NYSOFA does not constitute procurement. The exercise of the County's option under each of the fourteen (14) intermunicipal agreements is subject to the applicable Federal Common Grant Rules. Under those rules, the exercise of a contract option qualifies as a procurement action, which can necessitate a price analysis that might include, for example, consideration of other prices for those services that can be obtained in the open market.

However, the Department previously determined that because of the nature and extent of the services being provided by each municipality, the services provided under each intermunicipal agreement are only available from those single sources. Accordingly, the Department procured each agreement on a non-competitive basis pursuant to the regulations then contained 45 CFR 92.36(d)(4). The Department has determined that, given the nature and extent of the services, the services being provided by each municipality under each intermunicipal agreement are still only available from those single sources. Therefore, it is not possible for the Department, for example, to inquire as to prices for these services in the open market as part of its price analysis. Rather, the Department has reviewed the terms of each option and determined that the prices contained in the options are reasonable based upon the services being provided.

Except as otherwise specifically amended hereby, all other terms and conditions set forth in the IMAs with the 14 municipalities, as previously amended, shall remain in full force and effect.

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

MC/SJ

APPROVED BOARD OF ACQUISITION & CONTRACT - 02/26/2015 - JOMARY VEIRA, SECRETARY

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 its second option to renew inter-municipal agreements with each of the fourteen (14) municipalities specified in the attached Schedule "A" (hereinafter the "Contractors"), pursuant to which each Contractor will provide Nutrition Site Transportation and Supportive Services Transportation services for the elderly under Title IIIB of the Older Americans Act (the "Programs") for the program period commencing on January 1, 2015 and terminating on December 31, 2015 for a total aggregate amount not to exceed \$346,035.00, comprised of \$204,160.00 in federal grant funds and \$141,875.00 in Contractor matching funds, in the individual amounts set forth in the attached Schedule "A"; and be it further

RESOLVED, that except as specifically amended hereby, all remaining terms and conditions set forth in the inter-municipal agreements with the Contractors, as previously 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.

Second Amendment: \$204,160.00

Account to be	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars																																		
Charged	263	85	686Q	4380	T-686	\$204,160.00																																		
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">Budget Funding Year(s) (must match resolution)</td> <td style="width: 25%;"><u>2015</u></td> <td style="width: 25%;">Start Date</td> <td style="width: 25%;"><u>1/1/15</u></td> <td style="width: 25%;">End Date</td> <td style="width: 25%;"><u>12/31/15</u></td> </tr> <tr> <td>Funding Source</td> <td>Tax Dollars</td> <td colspan="5">\$ _____</td> </tr> <tr> <td></td> <td>State Aid</td> <td colspan="5">\$ _____</td> </tr> <tr> <td><u>\$204,160.00</u> (must match resolution)</td> <td>Federal Aid</td> <td colspan="5"><u>\$204,160.00</u></td> </tr> <tr> <td></td> <td>Other</td> <td colspan="5">_____</td> </tr> </table>							Budget Funding Year(s) (must match resolution)	<u>2015</u>	Start Date	<u>1/1/15</u>	End Date	<u>12/31/15</u>	Funding Source	Tax Dollars	\$ _____						State Aid	\$ _____					<u>\$204,160.00</u> (must match resolution)	Federal Aid	<u>\$204,160.00</u>						Other	_____				
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SCHEDULE "A"

Municipality/Contractor	Not to Exceed Federal Funds	Not to Exceed Contractor Match Funds	Gross/Net
Cortlandt, Town of	\$5,892	\$4,095	\$9,987.00
Eastchester, Town of	\$7,247	\$5,036	\$12,283.00
Greenburgh, Town of	\$15,904	\$11,052	\$26,956.00
Mamaroneck, Town of	\$8,172	\$5,679	\$13,851.00
Mount Pleasant, Town of	\$4,767	\$3,313	\$8,080.00
Mount Vernon	\$5,210	\$3,621	\$8,831.00
New Rochelle, City of	\$18,000	\$12,508	\$30,508.00
Ossining, Town of	\$9,974	6,931	\$16,905.00
Peekskill, City of	\$3,519	\$2,445	\$5,964.00
Port Chester, Village of	\$13,747	\$9,553	\$23,300.00
Somers, Town of	\$3,483	\$2,420	\$5,903.00
White Plains, City of	\$13,682	\$9,508	\$23,190.00
Yonkers, City of	\$84,450	\$58,686	\$143,136.00
Yorktown, Town of	\$10,113	\$7,028	\$17,141.00
Totals	\$204,160.00	\$141,875.00	\$346,035.00

APPROVED BOARD OF ACQUISITION & CONTRACTS - 02/26/2015 JIMMY VIEIRA, SECRETARY