

**50755**

**DATE:** January 27, 2016

**TO:** Board of Acquisition & Contract

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

**RE:** Request for authority to enter into inter-municipal agreements with the fifteen (15) Contractors set forth in the attached Schedule "A", to operate nutrition site transportation and supportive services transportation programs for the elderly under Title III-B of the Older Americans Act, for a total aggregate amount not-to-exceed \$230,021 in Federal grant funds, for the period commencing on January 1, 2016 and continuing through December 31, 2016.

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The County of Westchester (the "County"), acting by and through its Department of Senior Programs and Services (the "Department"), seeks authority from your Honorable Board to enter into inter-municipal agreements ("IMAs") with the fifteen (15) municipalities (also the "Contractors") set forth in the attached Schedule "A" for the purpose of providing nutrition site transportation and supportive services transportation services for the elderly (the "Programs") under Title III-B of the Older Americans Act. Funding for the programs will be for an aggregate amount not to exceed \$230,021 in federal grant funds in the individual amounts set forth in the attached Schedule "A" for the program period commencing on January 1, 2016 and continuing through December 31, 2016. It should be noted that the municipalities are required to contribute an aggregate amount not to exceed \$159,848 in Contractor matching funds to the Program in the individual amounts also set forth in Schedule "A".

The IMAs will serve a public purpose by providing transportation services to help maintain Westchester County seniors in the community and avoid premature institutionalization. Seniors will receive round trip transportation from their homes to their local congregate nutrition sites. In addition, seniors are also transported to and from needed community facilities and resources such as vital medical appointments, grocery shopping, and the pharmacy. These services contribute to seniors remaining active and mobile in the community.

The goals and objectives of the Title III-B program are to provide seniors throughout Westchester County with transportation services to congregate meal programs and to needed services such as shopping, doctor's visits and the like.

These goals and objectives are in the County's best interest in terms of fiscal responsibility and public health, as these services enable seniors to remain safely in their homes and communities among friends and family and to maintain a cost-effective lifestyle. The Title III-B programs aim to reduce or delay nursing home institutionalization, thereby reducing Medicaid costs for the County, State and Federal governments and improving the general well-being of the County's elderly.

The services will be tracked, monitored and evaluated through monthly reporting activities and annual on-site reviews to determine if the contract performance goals and objectives are being met in a fiscally responsible and appropriately safe fashion. The New York State Office for the Aging monitors and evaluates whether the Department is meeting its requirements to conduct proper oversight on an annual basis. Additionally, client satisfaction is monitored through the use of surveys.

Although the IMAs described above are exempt from the Westchester County Procurement Policy pursuant to Sections 3(a)iii and 3(a)xix, thereof, competitive procurement would ordinarily be required under the Federal Common Grant Rules, 45 CFR 92.36 et seq. However, because all of the municipalities (with the exception of Cortlandt) use their own buses to provide nutrition site and/or supportive services transportation, I recommend that the subject procurements qualify as procurements from non-competitive proposals in accordance with 45 CFR 92.36 (d)(4) which allows for a solicitation of a proposal from only one source when competition is deemed to be inadequate following a cost analysis. It should be noted that the Town of Cortlandt provides transportation services through a third party vendor, which vendor is procured in accordance with the competitive bidding requirements set forth in section 103 of the NYS General Municipal Law.

The Westchester County Board of Legislators by Act No. 148 - 2013, adopted on August 12, 2013, authorized the inter-municipal agreements with Westchester County municipalities, including the contractors, in connection with the Title III-B Program.

The IMAs described above are exempt from the Westchester County Procurement Policy pursuant to Sections 3(a)iii and 3(a)xix, thereof.

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

MC/SJ

Att.

APPROVED BOARD OF ACQUISITION & CONTRACT 02/25/2016 COUNTY CLERK

# 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 enter into inter-municipal agreements ("IMAs") with the fifteen (15) municipalities (also the "Contractors") set forth in the attached Schedule "A" to provide nutrition site transportation and supportive services transportation services for the elderly (the "Programs") pursuant to Title III-B of the Older Americans Act in the individual amounts also set forth in the attached Schedule "A" for a total aggregate amount not-to-exceed \$230,021 in federal grant funds for the program period commencing on January 1, 2016 continuing through December 31, 2016; and be it further

**RESOLVED,** that the Contractors are required to contribute an aggregate amount not to exceed \$159,848 in contractor matching funds to the Programs in the individual amounts set forth in the attached Schedule "A"; and be it further

**RESOLVED,** that the IMAs with the fifteen (15) Contractors listed below are also subject to County Appropriations; and be it further

**RESOLVED,** that the IMAs with the fifteen (15) Contractors listed below 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 these 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 adoptions(s), to conduct an analysis of the impacts of such State Budget on County finances. After such analysis, the County shall retain the right to either terminate these IMAs or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Contractors listed below, then the Contractors shall have the right to terminate their respective IMAs upon reasonable prior written notice; 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	Object/  Sub Object	Trust  Account	Dollars																																		
Charged	263	85	686R	4380	T-686	\$230,021																																		
<table style="width: 100%; border: none;"> <tr> <td style="width: 30%;">Budget Funding Year(s) (must match resolution)</td> <td style="width: 15%; text-align: center;"><u>2016</u></td> <td style="width: 15%;">Start Date</td> <td style="width: 15%; text-align: center;"><u>1/1/16</u></td> <td style="width: 15%;">End Date</td> <td style="width: 10%; text-align: center;"><u>12/31/16</u></td> </tr> <tr> <td style="padding-top: 10px;">Funding Source</td> <td style="padding-top: 10px;">Tax Dollars</td> <td style="padding-top: 10px;">\$</td> <td colspan="4" style="padding-top: 10px;">_____</td> </tr> <tr> <td></td> <td style="padding-top: 10px;">State Aid</td> <td style="padding-top: 10px;">\$</td> <td colspan="4" style="padding-top: 10px;">_____</td> </tr> <tr> <td style="padding-top: 10px;">\$230,021 (must match resolution)</td> <td style="padding-top: 10px;">Federal Aid</td> <td style="padding-top: 10px;">\$230,021</td> <td colspan="4" style="padding-top: 10px;">_____</td> </tr> <tr> <td></td> <td style="padding-top: 10px;">Other</td> <td style="padding-top: 10px;">\$</td> <td colspan="4" style="padding-top: 10px;">_____</td> </tr> </table>							Budget Funding Year(s) (must match resolution)	<u>2016</u>	Start Date	<u>1/1/16</u>	End Date	<u>12/31/16</u>	Funding Source	Tax Dollars	\$	_____					State Aid	\$	_____				\$230,021 (must match resolution)	Federal Aid	\$230,021	_____					Other	\$	_____			
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## SCHEDULE "A"

### IIIB Transportation Services: NST& SST

<b>Municipality</b>	<b>Federal Funds</b>	<b>Contractor Match</b>	<b>Gross/Net</b>
Cortlandt, Town of	\$5,892	\$4,095	\$9,987
Eastchester, Town of	\$7,247	\$5,036	\$12,283
Greenburgh, Town of	\$15,904	\$11,052	\$26,956
Mamaroneck, Town of	\$8,172	\$5,679	\$13,851
Mount Kisco, Town of	\$6,387	\$4,440	\$10,827
Mount Pleasant, Town of	4,767	\$3,313	\$8,080
Mount Vernon, City of	\$24,684	\$17,154	\$41,838
New Rochelle, City of	\$18,000	\$12,508	\$30,508
Ossining, Town of	\$9,974	\$6,931	\$16,905
Peekskill, City of	\$3,519	\$2,445	\$5,964
Port Chester, Village of	\$13,747	\$9,553	\$23,300
Somers, Town of	\$3,483	\$2,420	\$5,903
White Plains, City of	\$13,682	\$9,508	\$23,190
Yonkers, City of	\$84,450	\$58,686	\$143,136
Yorktown, Town of	\$10,113	\$7,028	\$17,141
<b>Totals</b>	<b>\$230,021</b>	<b>\$159,848</b>	<b>\$389,869</b>

APPROVED BOARD OF ACQUISITION & CONTRACTS - 02/25/2016 - STAFF SECRETARY