

51413

DATE: March 4, 2016

TO: Board of Acquisition and Contract

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

RE: Request for authorization for the County of Westchester to:

- a) exercise an option to enter into its first successive one-year agreement with Legal Services of the Hudson Valley to provide Legal Assistance Services to Westchester County residents, 60 and over under Title III-B of the Older Americans Act, in an amount not to exceed \$324,612.00, comprised of \$123,404.00 in Federal funds, and \$201,208.00 in County matching funds, for the program period January 1, 2016 and continuing through December 31, 2016; and
- b) amend the agreement to incorporate into the first successive Agreement and all the option agreements thereafter certain "Standard Assurances" including federal and state revised statutes, regulations, policies and contract requirements as mandated by the New York State Office for the Aging.

By resolution approved on February 19, 2015 (the "February 19th Resolution"), your Honorable Board authorized the County of Westchester (the "County"), acting by and through its Department of Senior Programs & Services (the "Department"), to enter into an agreement (the "Agreement") with the Legal Services of the Hudson Valley (the "Contractor"), to provide Legal Assistance Services for Westchester County residents 60 and over under Title III-B of the Older Americans Act (the "Program") for the Program period commencing on January 1, 2015 through December 31, 2015, in an amount not to exceed \$324,612.00, comprised of \$123,404 in Federal funds, and \$201,208.00 in County matching funds, payable pursuant to an agreed upon unit cost for actual services provided and data entered in NYSOFA's Social Assistance Management System ("SAMS"). The February 19th Resolution also stipulated that the County at its sole option could enter into three (3) additional successive one-year Agreements, on the same terms and conditions as the initial term, provided, however, that the unit-cost could be adjusted upward in order to account for cost of living increases, at the sole option of the County, subject to the availability of funds, acceptable past performance, and the prior approval of your Honorable Board. The Agreement was subsequently executed.

The County now seeks the authority of your Honorable Board to exercise its first option to enter into a successive one-year Agreement (the "First Successive Agreement") with the Contractor for provision of the Program, for the period commencing on January 01, 2016 through December 31, 2016 and also respectfully requests authority to amend the agreement to incorporate into the First Successive Agreement and all the option agreements thereafter certain "Standard Assurances" as mandated by NYSOFA, including but not limited to a revised

list of federal and state statutes, regulations, policies and contract provisions applicable to the Program.

Since this contract is paid for with funds subject to the Federal Common Grant Rules, 45 CFR 92.36 (f) that requires grantees to perform a price or cost analysis in order to test the market before such an option may be exercised, the Department performed a price analysis prior to making its recommendation to renew the Agreement for the 2016 program year. The Department obtained four (4) hourly quotes for legal assistance in order to complete the price analysis. The quotes were provided by Amoruso & Amoruso, LLP, Maker, Fragale & Di Costanzo, Hyman & Gilbert, Littman Krooks, LLP, and the Contractor. Based on the price analysis, the cost per hour for the Contractor was less than the rate quotes of the other legal service providers. Therefore, it is the Department's recommendation to enter into an agreement with the Contractor to provide the Program. It should also be noted that the Contractor has successfully implemented the Program through prior agreements with the County.

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

Accordingly, your favorable action on the attached Resolution is most respectfully requested.

MC/SJ

APPROVED BOARD OF ACQUISITION & CONTRACT - 03/05/2016 - 10:51 AM - SECRETARY

RESOLUTION

UPON A COMMUNICATION FROM THE COMMISSIONER, WESTCHESTER COUNTY DEPARTMENT OF SENIOR PROGRAMS AND SERVICES, BE IT HEREBY:

RESOLVED, that the County of Westchester (the "County") is authorized to exercise the first of its three (3) options to enter into a successive one-year agreement the "First Successive Agreement") after its Initial Agreement with Legal Services of the Hudson Valley (the "Contractor"), to provide Legal Assistance Services to Westchester County residents, 60 and over under Title III-B of the Older Americans Act (the "Program"), for an amount not to exceed \$324,612.00, comprised of \$123,404.00 in Federal funds and \$201,208.00 in County matching funds to be paid pursuant to an agreed upon unit cost for actual services provided and data entered in NYSOFA's Social Assistance Management System ("SAMS"), commencing on January 1, 2016 and continuing through December 31, 2016 ; and be it further

RESOLVED, that NYSOFA has requested that all Area Agencies on Aging replace SAMS with Peerplace, a new electronic data collection system to be used by Contractors to data enter units of services provided as a condition of payment at such time that the new system goes into effect.

RESOLVED, that the First Successive Agreement and each successive agreement that may be approved hereafter by this Honorable Board shall be amended to incorporate certain "Standard Assurances" as mandated by the New York State Office for the Aging ("NYSOFA"), including but not limited to a revised list of federal and state statutes, regulations, policies and contract provisions applicable to the Program; and be it further

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

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized to take such action and execute such documents as may be necessary and proper to effect the purposes hereof.

Account to be charged	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
charged	263	85	686R	4380	T-686	\$324,612.00

Budget Funding Years 2016

Start Date 1/1/16

End Date 12/31/16

(must match resolution)

Funding Source

Tax Dollars \$201,208.00

State Aid \$0

\$324,612.00

(must match resolution)

Federal Aid \$123,404.00

Other \$0

APPROVED BOARD OF ACQUISITION & CONTRACT - 05/09/2016 - LISA MRIJAL SECRETARY