

Robert P. Astorino  
County Executive

Department of Social Services

Kevin M. McGuire  
Commissioner

52872

**DATE:** September 30, 2016

**TO:** Board of Acquisition and Contract

**FROM:** Kevin M. McGuire, Commissioner  
Department of Social Services

**SUBJECT:** Authority to enter into an Agreement with Premier Home Health Care Services, Inc. for the provision of Personal Care Aide Services Level II ("PCA Level II") for two children with special needs for a term commencing retroactive to May 16, 2016 and continuing through May 15, 2017 in an amount not-to-exceed \$402,104, payable pursuant to an approved budget.

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Attached for your Honorable Board's consideration is a resolution which, if approved, would authorize the County of Westchester (the "County"), acting by and through its Department of Social Services (the "Department"), to enter into an agreement with Premier Home Health Care Services, Inc. ("Premiere"), pursuant to which Premiere will provide one-on-one PCA Level II services for two children with special needs on a 24 hour, seven day per week basis. The term of the Agreement will commence retroactive to May 16, 2016 and continue through May 15, 2017. In consideration for services to be rendered, the County will pay Premiere an amount not-to-exceed \$402,104, payable pursuant to an approved budget.

The children are currently residing in a residential treatment facility in Westchester. Because of their disabilities, they require one-on-one nursing services on a 24 hour, seven day per week basis. Premiere has been providing these services since May 16, 2016 pursuant to court order. The children were court ordered into foster care after a failed reunification with their mom and the only agency willing to accept them, given the extent of their special needs, was the residential treatment facility they are currently in. This facility would only accept them with the support and services from Premiere (or another similar) agency. Once the children are in foster care by court order, the Department is responsible, pursuant to State regulations, to ensure that all of their needs are met. In this case, that includes the services of the aides, which allowed them to be placed at the residential facility.

Because these services were mandated by court order as noted above, there was insufficient time to conduct procurement. As such, this procurement is exempt from the County Procurement Policy pursuant to section 10 thereof, as an "Accelerated Procurement". In addition, since the Agreement will be funded, in part, with federal grant funds, the requirements of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (formerly, Federal Common

Grant Rules (“FCGR”) also apply. However, the Agreement is also exempt under the FCGR’s pursuant to 45 CFR 92.36 (d)(4)(i)(B), which provides an exemption for “exigent circumstances”.

The public purpose of this agreement is to ensure that the children’s physical needs are met and that they are able to be safely maintained at the residential facility. The child welfare goal is to reunite the children, when safely possible, with their family.

The goals and objectives will be tracked and monitored by Department staff.

An appropriate resolution is herewith attached for your Honorable Board’s consideration.

KMM/ED/jpg

Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 10/27/2016 - LISA MRIS, SECRETARY

## RESOLUTION

Upon a communication from the Commissioner of the Department of Social Services, be it hereby

**RESOLVED**, that the County of Westchester, acting by and through its Department of Social Services (the "Department"), is authorized to enter into an agreement with Premier Home Health Care Services, Inc. ("Premiere"), pursuant to which Premiere will provide one-on-one Personal Care Aide Services Level II on a 24 hour, seven day per week basis, for two children with special needs for a term commencing retroactive to May 16, 2016 and continuing through May 15, 2017 in an amount not-to-exceed \$402,104, payable pursuant to an approved budget; and be it further

**RESOLVED**, that this Agreement is subject to County Appropriations; and be it further

**RESOLVED**, that this Agreement is 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 this Agreement. 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 this Agreement 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 the County Executive or his duly authorized designee is empowered to execute all documents and take all actions necessary to effect the purpose of this resolution.

Account to be  
Charged/Credited

	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
2016	101	22	8900	5650	-----	\$251,315
2017	101	22	8900	5650	-----	\$150,789

Budget Funding Year(s): 2016-17      Start Date: 05/16/16    End Date: 05/15/17

(must match resolution)

Funding Source      Tax Dollars: 0%  
                                  State Aid: 50%  
\$402,104              Federal Aid: 50%  
 (must match resolution) Other:

APPROVED BOARD OF ACQUISITION & CONTRACT - 10/27/2016 - LISA MRIJAJ, SECRETARY