

56773

DATE: April 13, 2017

TO: Board of Acquisition and Contract

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

SUBJECT: Authority to enter into an agreement with Westchester Jewish Community Services, Inc., pursuant to which it will provide escort assistance services, under Title III-E of the Older Americans Act, for an amount not-to-exceed \$84,928.00, payable based upon a set unit cost, for the period from April 1, 2017 through December 31, 2017, with the County having the sole option to extend its term for up to five (5) one (1) year periods thereafter, on specified terms.

On February 17, 2017, the County of Westchester (the "County"), acting by and through its Department of Senior Programs and Services ("DSPS"), issued a request for proposals (the "RFP"), which solicited proposals from vendors to provide escort assistance services, in accordance with the applicable provisions of the Older Americans Act, as amended, for elderly individuals 60 years of age or older who reside in Westchester County (the "Services"). In response to the RFP, DSPS received one (1) proposal, from Westchester Jewish Community Services, Inc. ("WJCS"). DSPS reviewed WJCS's proposal and evaluated it based upon the evaluation criteria specified in the RFP. DSPS conducted an analysis of the cost proposal from WJCS and found that it is reasonable. Based on DSPS's review of the proposal from WJCS, DSPS is satisfied that it is a responsible vendor for the Services.

In order to ensure compliance with the rules that are applicable to this procurement as a consequence of the decision to pay for the resulting contract with funds from the United States Department of Health and Human Services, DSPS made inquiries with prospective proposers that submitted requests for clarification regarding the RFP but ultimately did not submit a proposal. One prospective proposer informed DSPS that providing the Services would be a sizeable obstruction to their current business and they did not see the return being worth it. That prospective proposer and another prospective proposer informed DSPS that they would have preferred to consider a solicitation that allowed proposers to offer an hourly rate, rather than requiring a unit price for each one-way trip (i.e., either to or from the older individual's destination). Based on that definition of a unit being specified by the New York State Office For the Aging and the cost-inefficiency of an hourly rate, given the County's lack of control over all of the factors involved in the use of an hourly rate, the County previously determined, and

affirms now, that using an hourly rate for the Services is not feasible or otherwise in the County's interests.

Therefore, the County has determined that, after the above-described solicitation of a number of sources, competition for the Services is inadequate. Accordingly, this procurement complies with the Westchester County Procurement Policy, pursuant to Section 13 thereof, as it complies with the applicable Federal regulations in 45 C.F.R. 75.329(f)(4).

Accordingly, authority is requested from your Honorable Board for the County, acting by and through DSPS, to enter into an agreement with WJCS, pursuant to which WJCS will provide the Services, for an amount not-to-exceed \$84,928.00, payable based upon a set unit cost, for the period from April 1, 2017 through December 31, 2017 (the "Initial Term"), with the County having the sole option to extend its term for up to five (5) one (1) year periods after the Initial Term (each an "Option Term"), on the same terms and conditions as the Initial Term, except that the set unit cost for each Option Term will be increased by three percent (3%) over the previous term's amount, as a cost-of-living increase, and the not-to-exceed amount for each Option Term shall be determined by the County in its sole discretion, based on the Option Term's set unit cost and the number of units anticipated to be needed during that period (the "Agreement").

The proposed Agreement will serve a public purpose by providing the County with respite care for those who are caregivers for older persons, thereby helping prevent caregiver burn-out and enabling those older persons to continue living in their homes rather than face a premature move to a long-term care facility.

The goal and objective of the proposed Agreement is to provide the County with respite care for those who are caregivers for older persons, thereby helping prevent caregiver burn-out and enabling those older persons to continue living in their homes rather than face a premature move to a long-term care facility.

The goal and objective of the proposed Agreement is in the best interests of the County in terms of public health and safety, as helping prevent caregiver burn-out, and enabling older persons who are being cared-for to continue living in their homes rather than face a premature move to a long-term care facility, will ultimately provide health benefits for both the caregivers and the older persons for whom they care.

The goals and objectives of the proposed Agreement will be tracked and monitored by the staff of DSPS.

I respectfully recommend the adoption of the attached Resolution.

MC/BC/bdm/nn

RESOLUTION

Upon a communication from the Commissioner of Senior Programs and Services, be it hereby

RESOLVED, that the County of Westchester (the "County"), acting by and through its Department of Senior Programs and Services, is hereby authorized to enter into an agreement with Westchester Jewish Community Services, Inc. ("WJCS"), pursuant to which WJCS will provide escort assistance services, in accordance with the applicable provisions of the Older Americans Act, as amended, for elderly individuals 60 years of age or older who reside in Westchester County, for an amount not-to-exceed \$84,928.00, payable based upon a set unit cost, for the period from April 1, 2017 through December 31, 2017 (the "Initial Term"), with the County having the sole option to extend its term for up to five (5) one (1) year periods after the Initial Term (each an "Option Term"), on the same terms and conditions as the Initial Term, except that the set unit cost for each Option Term will be increased by three percent (3%) over the previous term's amount, as a cost-of-living increase, and the not-to-exceed amount for each Option Term shall be determined by the County in its sole discretion, based on the Option Term's set unit cost and the number of units anticipated to be needed during that period (the "Agreement"); 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 hereby authorized to execute any documents and take any actions reasonably necessary and appropriate to effectuate the purposes of this Resolution.

Account to be
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
263	85	448S	4380	T448	\$84,928

Budget Funding Year(s): 2017 Start Date: 4/1/17 End Date: 12/31/17
(must match resolution)

Funding Source Tax Dollars: \$0
\$84,928 State Aid: \$0
 (must match resolution) Federal Aid: \$84,928

APPROVED BOARD OF ACQUISITION & CONTRACT - 05/25/2017 - LISA MRIJAJ, SECRETARY