

**63372**

DATE: August 1, 2018  
TO: Board of Acquisition & Contract  
FROM: John M. Nonna  
County Attorney  
RE: Authority to:

1.) Amend a grant agreement with the New York State Office of Children and Family Services (“NYSOCFS”), pursuant to which the County was to receive from NYSOCFS funds to facilitate the operation of the County’s Child Fatality Review Team, in order to, (a) extend the term thereof by an additional six (6) months, and (b) increase the amount not-to-exceed authorized thereunder by \$26,033.00; and

2.) Amend an agreement with the Westchester Institute for Human Development (“WIHD”), pursuant to which WIHD was to provide services to facilitate the operation of the County’s Child Fatality Review Team, in order to, (a) extend the term thereof by an additional six (6) months, and (b) increase the amount not-to-exceed authorized thereunder by \$26,033.00.

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By a resolution approved on December 22, 2010, your Honorable Board authorized the County of Westchester (the “County”) to:

- 1.) Enter into a grant agreement with the New York State Office of Children and Family Services (“NYSOCFS”), pursuant to which the County was to receive from NYSOCFS funds to facilitate the operation of the County’s Child Fatality Review Team, in an amount not-to-exceed \$74,000.00, for a one year period from February 1, 2011 through January 31, 2012 (the “NYSOCFS Grant Agreement”); and
- 2.) Enter into an agreement with the Westchester Institute for Human Development (“WIHD”), pursuant to which WIHD was to provide services to facilitate the operation of the County’s Child Fatality Review Team, for an amount not-to-exceed \$74,000.00, for a one year period, from February 1, 2011 through January 31, 2012 (the “WIHD Agreement”).

The NYSOCFS Grant Agreement and the WIHD Agreement were both subsequently executed.

By a resolution approved on March 22, 2012, your Honorable Board authorized the County to:

- 1.) Amend the NYSOCFS Grant Agreement in order to, (1) extend the termination date thereof from January 31, 2012 to January 31, 2013, and (2) increase the not-to-exceed amount thereof by an additional \$61,233.00, from an amount not-to-exceed \$74,000.00 to a new amount not-to-exceed \$135,233.00 (the "NYSOCFS First Amendment"); and
- 2.) Amend the WIHD Agreement in order to, (1) extend the termination date thereof from January 31, 2012 to January 31, 2013; (2) increase the not-to-exceed amount thereof by an additional \$61,233.00, from an amount not-to-exceed \$74,000.00 to a new amount not-to-exceed \$135,233.00; and (3) update the scope of services for the extended term (the "WIHD First Amendment").

The NYSOCFS First Amendment and the WIHD First Amendment were both subsequently executed.

By a resolution approved on July 18, 2013, your Honorable Board authorized the County to:

- 1.) Amend the NYSOCFS Grant Agreement, as amended, in order to, (1) extend the termination date thereof from January 31, 2013 to July 31, 2013, and (2) increase the not-to-exceed amount thereof by an additional \$30,617.00, from an amount not-to-exceed \$135,233.00 to a new amount not-to-exceed \$165,850.00 (the "NYSOCFS Second Amendment"); and
- 2.) Amend the WIHD Agreement, as amended, in order to, (1) extend the termination date thereof from January 31, 2013 to July 31, 2013, and (2) increase the not-to-exceed amount thereof by an additional \$30,617.00, from an amount not-to-exceed \$135,233.00 to a new amount not-to-exceed \$165,850.00 (the "WIHD Second Amendment").

The NYSOCFS Second Amendment and the WIHD Second Amendment were both subsequently executed.

By resolution approved on December 5, 2013, your Honorable Board authorized the County to:

- 1.) Amend the NYSOCFS Grant Agreement, as amended, in order to, (1) extend the termination date thereof from July 31, 2013 to July 31, 2014, and (2) increase the not-to-exceed amount thereof by an additional \$52,066.00, from an amount not-to-exceed \$165,850.00 to a new amount not-to-exceed \$217,916.00 (the "NYSOCFS Third Amendment"); and
- 2.) Amend the WIHD Agreement, as amended, in order to, (1) extend the termination date thereof from July 31, 2013 to July 31, 2014, and (2) increase the not-to-exceed amount thereof by an additional \$52,066.00, from an amount not-to-exceed \$165,850.00 to a new amount not-to-exceed \$217,916.00 (the "WIHD Third Amendment").

The NYSOCFS Third Amendment and the WIHD Third Amendment were both subsequently executed.

By resolution approved on September 4, 2014, your Honorable Board authorized the County to:

- 1.) Amend the NYSOCFS Grant Agreement, as amended, in order to, (1) extend the termination date thereof from July 31, 2014 to July 31, 2015, and (2) increase the not-to-exceed amount thereof by an additional \$52,066.00, from an amount not-to-exceed

\$217,916.00 to a new amount not-to-exceed \$269,982.00 (the “NYSOCFS Fourth Amendment”); and

- 2.) Amend the WIHD Agreement, as amended, in order to, (1) extend the termination date thereof from July 31, 2014 to July 31, 2015, and (2) increase the not-to-exceed amount thereof by an additional \$52,066.00, from an amount not-to-exceed \$217,916.00 to a new amount not-to-exceed \$269,982.00 (the “WIHD Fourth Amendment”).

The NYSOCFS Fourth Amendment and the WIHD Fourth Amendment were both subsequently executed.

By resolution approved on October 29, 2015, your Honorable Board authorized the County to:

- 1.) Amend the NYSOCFS Grant Agreement, as amended, in order to, (1) extend the termination date thereof from July 31, 2015 to July 31, 2016, and (2) increase the not-to-exceed amount thereof by an additional \$52,066.00, from an amount not-to-exceed \$269,982.00 to a new amount not-to-exceed \$322,048.00 (the “NYSOCFS Fifth Amendment”); and
- 2.) Amend the WIHD Agreement, as amended, in order to, (1) extend the termination date thereof from July 31, 2015 to July 31, 2016, and (2) increase the not-to-exceed amount thereof by an additional \$52,066.00, from an amount not-to-exceed \$269,982.00 to a new amount not-to-exceed \$322,048.00 (the “WIHD Fifth Amendment”).

The NYSOCFS Fifth Amendment and the WIHD Fifth Amendment were both subsequently executed.

By resolution approved on October 6, 2016, your Honorable Board authorized the County to:

- 1.) Amend the NYSOCFS Grant Agreement, as amended, in order to, (1) extend the termination date thereof from July 31, 2016 to July 31, 2017, and (2) increase the not-to-exceed amount thereof by an additional \$52,066.00, from an amount not-to-exceed \$322,048.00 to a new amount not-to-exceed \$374,114.00 (the “NYSOCFS Sixth Amendment”); and
- 2.) Amend the WIHD Agreement, as amended, in order to, (1) extend the termination date thereof from July 31, 2016 to July 31, 2017, and (2) increase the not-to-exceed amount thereof by an additional \$52,066.00, from an amount not-to-exceed \$322,048.00 to a new amount not-to-exceed \$374,114.00 (the “WIHD Sixth Amendment”).

The NYSOCFS Sixth Amendment and the WIHD Sixth Amendment were both subsequently executed.

By resolution approved on August 24, 2017, your Honorable Board authorized the County to:

- 1.) Amend the NYSOCFS Grant Agreement, as amended, in order to, (1) extend the termination date thereof from July 31, 2017 to July 31, 2018, and (2) increase the not-to-exceed amount thereof by an additional \$52,066.00, from an amount not-to-exceed \$374,114.00 to a new amount not-to-exceed \$426,180.00 (the “NYSOCFS Seventh Amendment”); and
- 2.) Amend the WIHD Agreement, as amended, in order to, (1) extend the termination date thereof from July 31, 2017 to July 31, 2018, and (2) increase the not-to-exceed amount

thereof by an additional \$52,066.00, from an amount not-to-exceed \$374,114.00 to a new amount not-to-exceed \$426,180.00 (the "WIHD Seventh Amendment").

The NYSOCFS Seventh Amendment and the WIHD Seventh Amendment were both subsequently executed.

NYSOCFS recently notified my office that it has authorized renewal, for an additional six (6) months, of the grant provided to the County under the NYSOCFS Grant Agreement, as amended. Accordingly, authority is respectfully requested for the County to amend the NYSOCFS Grant Agreement, as amended, in order to, (1) extend the termination date thereof from July 31, 2018 to January 31, 2019, and (2) increase the not-to-exceed amount thereof by an additional \$26,033.00, from an amount not-to-exceed \$426,180.00 to a new amount not-to-exceed \$452,213.00 (the "NYSOCFS Eighth Amendment").

Except as specifically described above, all terms and conditions of the NYSOCFS Grant Agreement, as amended, shall remain in full force and effect.

I certify that my department, a.) has copies of, or access to, all applicable laws, rules, regulations, grant applications, and grant agreements (including any master grant agreement), as well as any guidance or instructions received from the agency making the grant (the "Grant Terms"), b.) has reviewed the Grant Terms, c.) is aware of and understands all of the Grant Terms, and d.) can and will comply with all of the Grant Terms.

Authority is also respectfully requested for the County to amend the WIHD Agreement, as amended, in order to, (1) extend the termination date thereof from July 31, 2018 to January 31, 2019, and (2) increase the not-to-exceed amount thereof by an additional \$26,033.00, from an amount not-to-exceed \$426,180.00 to a new amount not-to-exceed \$452,213.00 (the "WIHD Eighth Amendment").

Except as specifically described above, all terms and conditions of the WIHD Agreement, as amended, shall remain in full force and effect.

The proposed amendments will serve a public purpose by providing the County with the funds and the services needed to facilitate operation of its Child Fatality Review Team, which reviews the death of any child who was provided services by the County's Department of Social Services and/or agencies under contract with Westchester County or whose death was the result of suspicious circumstances.

The goal and objective of the proposed amendments is to provide funding for, and thereby facilitate the operation of, the County's Child Fatality Review Team.

The goal and objective of the proposed amendments is in the best interests of the County in terms of fiscal responsibility and health, as the facilitation of the Child Fatality Review Team's operations will be paid for by non-County funds and WIHD will ensure that the Child Fatality Review Team fulfills its overall purpose of protecting the health and safety of children in the County.

The goal and objective of the proposed amendments will be tracked and monitored by the County Attorney's Office.

Authority to exempt the WIHD Eighth Amendment from the requirements of the Westchester County Procurement Policy, pursuant to Section 3(a)(xxi) thereof, has been submitted to your Honorable Board by a separate resolution of even date herewith.

I respectfully recommend adoption of the proposed resolution.

JMN/WH/bdm/nm

APPROVED BOARD OF ACQUISITION & CONTRACT - 10/04/2018 - LISA MRJAS, SECRETARY

**RESOLUTION**

Upon a communication from the County Attorney, be it hereby:

**RESOLVED**, that the County of Westchester (the “County”) is hereby authorized to amend a grant agreement with the New York State Office of Children and Family Services (“NYSOCFS”), pursuant to which the County was to receive from NYSOCFS funds to facilitate the operation of the County’s Child Fatality Review Team, for an amount not-to-exceed \$426,180.00, for the period from February 1, 2011 through July 31, 2018 (the “NYSOCFS Grant Agreement”), in order to, (1) extend the termination date thereof from July 31, 2018 to January 31, 2019, and (2) increase the not-to-exceed amount thereof by an additional \$26,033.00, from an amount not-to-exceed \$426,180.00 to a new amount not-to-exceed \$452,213.00; and be it further

**RESOLVED**, that except as specifically amended hereby, all terms and conditions of the NYSOCFS Grant Agreement shall remain in full force and effect; and be it further

**RESOLVED**, that the County is hereby authorized to amend an agreement with the Westchester Institute for Human Development (“WIHD”), pursuant to which WIHD was to provide services to facilitate the operation of the County’s Child Fatality Review Team, for an amount not-to-exceed \$426,180.00, for the period from February 1, 2011 through July 31, 2018 (the “WIHD Agreement”), in order to, (1) extend the termination date thereof from July 31, 2018 to January 31, 2019, and (2) increase the not-to-exceed amount thereof by an additional \$26,033.00, from an amount not-to-exceed \$426,180.00 to a new amount not-to-exceed \$452,213.00; and be it further

**RESOLVED**, that except as specifically amended hereby, all terms and conditions of the WIHD Agreement 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.

Account to be Charged/Credited

Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
263	18	144T	4380	T-144	\$26,033.00
263	18	144T	9854	T-144	\$26,033.00

Budget Funding Years: 2018-19  
(must match resolution)

Start Date: 8/1/18

End Date: 1/31/19

Funding Source	Tax Dollars	
<u>\$26,033.00</u>	State Aid	<u>\$26,033.00</u>
(must match resolution)	Federal Aid	_____
	Other	_____