

George Latimer
County Executive

Department of Social Services

Kevin M. McGuire
Commissioner

64143

DATE: June 26, 2018

TO: Board of Acquisition and Contract

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

SUBJECT: Authority to amend 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 by 1) extending the term thereof for an additional three (3) months commencing on May 16, 2018 and continuing through August 15, 2018; and 2) increasing the not-to-exceed amount by an additional \$94,696, payable pursuant to an approved budget.

By resolution approved on October 27, 2016, your Honorable Board authorized 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. (“Premier”), pursuant to which Premier would provide one-on-one PCA Level II services for two children with special needs on a 24 hour, seven day per week basis (the “Services”) for a term commencing retroactive to May 16, 2016 and continuing through May 15, 2017 for an amount not-to-exceed \$402,104, payable pursuant to an approved budget (the “Agreement”). The Agreement was subsequently executed.

Thereafter, by resolution approved on June 8, 2017 (the “June 8th Resolution”), your Honorable Board authorized the County to amend the Agreement with Premier in order to extend the term thereof for an additional one (1) year period commencing on May 16, 2017 and continuing through May 15, 2018 (the “First Extension Period”) for an additional amount not-to-exceed \$480,000, payable pursuant to an approved budget (the “First Amendment”). Following approval of the June 8th Resolution but before execution of the First Amendment, Premier determined that it could provide the Services during the First Extension Period for an amount not-to-exceed \$395,943. The First Amendment was subsequently executed.

The children remain in temporary foster care placement in a residential treatment center in Westchester and, because of their disabilities, continue to require one-on-one nursing services on a 24 hour, seven day per week basis. Premier 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. Moreover, this facility could **only** accept them with the support and services from Premier (or another similar agency). Since the kids were placed into foster care by court order, the Department continues to be responsible, pursuant to State regulations, to ensure that all of their needs are being met. In this case, that includes the services of the aides, which allowed them to be placed at the residential facility in the first place.

The Department expected that the children would be reunited with their family at some point during the First Extension Period. However, reunification did not occur and the children must remain in the treatment center until such time as reunification is appropriate and/or another permanency planning goal is identified. While in the treatment facility, the children will continue to require one-on-one PCA Level II services. Accordingly, authority is requested to further amend the Agreement with Premier in order to extend the term thereof for an additional three (3) months commencing on May 16, 2018 and continuing through August 15, 2018 (the "Second Extension Period"). In consideration for the additional Services to be rendered during the Second Extension Period, the County shall pay Premier an additional amount not-to-exceed \$94,696, payable pursuant to an approved budget, thereby increasing the total aggregate amount under the Agreement, as previously amended, from an amount not-to-exceed \$798,047 to an amount not-to-exceed \$892,743.

This procurement is exempt from the County Procurement Policy pursuant to section 3(a)viii thereof, which exempts contracts for medical or health related services. In addition, since the Agreement will be funded, in part, with federal grant funds, the requirements of the Federal Common Grant Rules ("FCGR") also apply. The Department reasonably expected that reunification would take place at some point during the First Extension Period. The County needs the additional three months in order to conduct a new procurement. A new procurement was not contemplated because that reunification did not occur as planned. Due to the circumstances there was insufficient time to conduct a new procurement prior to May 15, 2018, the expiration date of the First Extension Period and additional time is now required due to these unanticipated events. The amendment is exempt under the FCGR's pursuant to 45 CFR 92.36 (d) (4) (i) (B), which provides an exemption for "exigent circumstances".

Except as otherwise specifically amended hereby, all other terms and conditions of the Agreement shall remain in full force and effect.

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/SP/jpg
Attachment

RESOLUTION

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

RESOLVED, that the County of Westchester (“County”), acting by and through its Department of Social Services (the “Department”), is authorized to further amend an agreement with Premier Home Health Care Services, Inc. (“Premier”), as previously amended, pursuant to which Premier agreed to 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, 2018 in an amount not-to-exceed \$798,047, payable pursuant to an approved budget (the “Agreement”), by 1) extending the term of the Agreement for an additional three (3) months commencing on May 16, 2018 and continuing through August 15, 2018; and 2) increasing the not-to-exceed amount thereunder by an additional \$94,696, from an amount not-to-exceed \$798,047 to an amount not-to-exceed \$892,743, in order to have sufficient funds available to compensate Premier for additional services rendered during the extended term; and be it further

RESOLVED, that except as otherwise specifically amended hereby, all other terms and conditions of the Agreement shall remain in full force and effect; 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.

Original Contract Amount:	\$402,104
First Extension:	\$395,943
This Extension:	<u>\$94,696</u>
Total	\$892,743

Account to be
Charged/Credited

	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
2018	101	22	8900	5650	-----	\$94,696

Budget Funding Year(s): 2018 Start Date: 05/16/18 End Date: 08/15/18

(must match resolution)

Funding Source	Tax Dollars: 0%
	State Aid: 50%
<u>\$ 94,696</u>	Federal Aid: 50%
<u>(must match resolution)</u>	Other: