

George Latimer
County Executive

Department of Social Services

Kevin M. McGuire
Commissioner

79428

DATE: August 20, 2020

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 of the Agreement through February 28, 2021; and 2) increasing the not-to-exceed amount thereunder by \$235,737.

By resolution approved on March 12, 2020 (the “March 12th Resolution”), 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, for a term commencing retroactive to August 16, 2019 and continuing through April 30, 2020, for an amount not-to-exceed \$332,067, payable pursuant to an approved budget (the “Agreement”).

Thereafter by resolution approved on May 21, 2020, your Honorable Board authorized the County to amend the March 12th Resolution by 1) changing the expiration date of the Agreement from April 30, 2020 to August 15, 2020; and 2) changing the not-to-exceed amount thereunder from \$332,067 to \$470,957. The Agreement was thereafter executed.

The parties now desire to amend the Agreement in order to 1) extend the term thereof for an additional six (6) months, from August 16, 2020 through February 28, 2021; and 2) increase the not-to-exceed amount thereunder by \$235,737, pursuant to an approved budget, in order to be able to compensate Premier for additional services rendered during the extended term.

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. Premier has been providing these services for the County pursuant to court order under a series of contracts since May 16, 2016.

While these services are exempt from the County Procurement Policy pursuant to section 3(a)viii thereof, they remain subject to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (the "Federal Procurement Rules"), since a portion of the services are funded with Federal funds. Previously, the Department has relied upon an exemption from the Federal Procurement Rules for "public exigency or emergency," since the children were court ordered into care. However, with the passage of time, this exemption is no longer applicable. Accordingly, on March 5, 2020 the Department issued an RFP seeking to competitively procure the services of an agency to provide PCA Level II services for the two children for a two year term commencing on May 1, 2020. However, no proposals were received in response to the RFP. Thereafter on May 18, 2020, the Department issued a second RFP for these services. However, the only proposal received arrived three weeks after the deadline for receipt of proposals and was thus deemed to be non-responsive.

The Department now plans to issue a new RFP for services to begin on March 1, 2021. However, in the interim, it will be necessary to extend the term of the contract with Premier through February 28, 2021 and to increase the NTE by an additional \$235,737, from \$470,957 to \$706,694, to have sufficient funds available to compensate Premier for additional services rendered. Accordingly, authority is respectfully requested to amend the Agreement with Premier for the provision of PCA Level II for two children with special needs by 1) extending the term thereof through February 28, 2021; and 2) increasing the NTE thereunder by an additional \$235,737, from \$470,957 to \$706,694, in order to have sufficient funds available to compensate Premier for additional services rendered.

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

The amendment to the Agreement is exempt from the County Procurement Policy pursuant to Section 3(a)viii thereof which exempts contracts for medical services. The amendment is also exempt from the Federal Procurement Rules pursuant to 2 CFR § 200.320 (f)(4) which authorizes non-competitive proposals where, after solicitation of a number of sources, competition is determined inadequate.

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/TL/jpg
Attachment

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, is hereby authorized to amend an agreement (the "Agreement") with Premier Home Health Care Services, Inc. ("Premier"), for the provision of 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 August 16, 2019 and continuing through August 15, 2020 in an amount not-to-exceed \$470,957, payable pursuant to an approved budget, by 1) extending the term thereof through February 28, 2021; and 2) increasing the not-to-exceed amount authorized thereunder by an additional \$235,737, from \$470,957 to \$706,694, 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 set forth in 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.

Account to be Charged/Credited

	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
	101	22	8900	5650		\$235,737

Budget Funding Year(s): 2020-2021 Start Date: 8/16/2020 End Date: 2/28/2021
 (must match resolution)

Original Amount: \$470,957
This Amendment: \$235,737
 New Total: \$706,694

Funding Source	Tax Dollars:	0
	State Aid:	50%
<u>\$ 235,737</u>	Federal Aid:	50%
(must match resolution)	Other:	N/A