

93347

DATE: May 17, 2022

TO: Board of Acquisition & Contract

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

RE: Request for authority for the County of Westchester to amend agreements with Any-Time Home Care, Inc. and Family Services of Westchester, Inc. in order to: 1) exercise the second of the County's four (4) options to extend the term of the Agreements for the provision of In-Home Services as Respite for Caregivers to elderly persons 60 years or older residing in Westchester County under Title III-E of the Older Americans Act; and 2) increase the aggregate not to exceed amount by \$42,216 in federal funds, for the period commencing on January 1, 2022 and continuing through December 31, 2022.

By resolution approved on April 9, 2020 (the "April 9th Resolution"), your Honorable Board authorized the County of Westchester (the "County"), acting by and through its Department of Senior Programs & Services (the "Department") to enter into agreements (the "Agreements") with Any-Time Home Care, Inc. and Family Services of Westchester, Inc. (the "Contractors" or "Agencies") pursuant to which each Contractor will provide In-Home Services as Respite for Caregivers to frail elderly persons 60 years or older residing in the County, in accordance with Title III-E of the Older Americans Act, as amended (the "Program"). Federal funding for the Program was in an aggregate amount not to exceed \$18,000, with each Contractor receiving an amount not to exceed \$9,000, payable pursuant to the agreed-upon unit cost for actual services provided and data entered in New York State Office for the Aging's PeerPlace System, for the period commencing on January 1, 2020 and continuing through December 31, 2020 (the "Initial Term"). The Agreements were subsequently executed.

The April 9th Resolution also authorized that the County, at its sole discretion, may renew and extend the term of the Agreements for up to four (4) additional extension terms of one (1) year each, (each an "Extension Term") to commence on January 1st of each following year, and that any renewal of the Agreements by the County shall be on the same terms and conditions as the Initial Term, except that the unit cost for any extension term may vary each year based upon the separate unit costs agreed upon by the Contractors. Also, any renewal by the County shall be subject to the availability of funds, the County conducting a cost and/or price analysis, in accordance with federal law, acceptable past performance, the County obtaining all necessary legal approvals and determining that an extension is its best interest.

By resolution approved on April 8, 2021 your Honorable Board authorized the County to enter into Agreements with the Contractors in order to exercise the first of the County's four (4) additional extension terms of one (1) year each under the Agreement to provide the program for the term commencing on January 1, 2022 and continuing through December 31, 2022, (the "First Extension Term") for an aggregate amount not to exceed \$18,000, with each Contractor receiving an amount not to exceed \$9,000, payable pursuant to the agreed-upon unit cost for actual services provided and data entered in New York State Office for the Aging's PeerPlace System (the "First Amendment"). The First Amendment was subsequently executed.

The County has determined that it requires the Program services for the 2022 calendar year, and the Contractors have satisfactorily provided the Program for the Initial Term and the First Amendment.

Therefore, the County now seeks authority to amend the Agreements with the Contractors in order to: 1) exercise the second of the County's four (4) additional extension terms of one (1) year each under the Agreement to provide the Program for the term commencing on January 1, 2022 and continuing through December 31, 2022, (the "Second Extension Term"); and 2) increase the aggregate funding for both Contractors under the Second Extension Term by \$42,216 from an amount not to exceed \$18,000 to an amount not to exceed \$60,216, noting that the funding for Any-Time Home Care, Inc. increased by \$22,460 from an amount not to exceed \$9,000 to an amount not to exceed \$31,460 and the funding for Family Services of Westchester, Inc. increased by \$19,756 from an amount not to exceed \$9,000 to an amount not to exceed \$28,756, payable pursuant to the agreed-upon unit costs for actual services provided and data entered in New York State Office for the Aging's PeerPlace System. It should also be noted that in addition to the agreed upon unit cost increase authorized under the Second Extension Term that the other reason for such an increase in funding is that the Contractors will be providing more units of service under the Second Extension Term, (the "Second Amendment").

The Agreement with the Contractors are exempt from the Westchester County Procurement Policy pursuant to section 3(a) iii and 3(a)xix thereof; however, they are subject to the Federal Common Grant Rules that mandate a cost or price analysis be conducted before the County can exercise an option to extend the Agreement. Therefore, the Department solicited price proposals from qualified agencies to determine if it could find providers to better provide the Program services at a more cost-effective rate. After a careful review of the price proposals, the Department determined that the Contractors are best suited to continue providing the services because their rates were cost effective, and they have successfully provided the Program for the Initial Term of their respective Agreement.

Except as specifically to be amended as described herein, all other terms and conditions set forth in the Agreement shall remain in full force and effect.

For the 2021 Program year, the Contractors provided an aggregate amount of 459 units of services to 5 duplicated and 2 unduplicated seniors.

Accordingly, approval of the attached resolution is most respectfully recommended.

MC/SJ

Commented [JS1]: Lupe to revise language and quantify services provided.

RESOLUTION

UPON A COMMUNICATION FROM THE COMMISSIONER OF THE WESTCHESTER COUNTY DEPARTMENT 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 (the "Department") is hereby authorized to amend agreements (the "Agreements") with Any-Time Home Care, Inc. and Family Services of Westchester, Inc. (the "Contractors" or "Agencies") in order to: 1) exercise the second of the County's four (4) additional extension terms of one (1) year each under the Agreement to provide the Program for the term commencing on January 1, 2022 and continuing through December 31, 2022, (the "Second Extension Term"); and 2) increase the aggregate funding for both Contractors under the Second Extension Term by \$42,216 from an amount not to exceed \$18,000 to an amount not to exceed \$60,216, noting that the funding for Any-Time Home Care, Inc. increased by \$22,460 from an amount not to exceed \$9,000 to an amount not to exceed \$31,460 and the funding for Family Services of Westchester, Inc. increased by \$19,756 from an amount not to exceed \$9,000 to an amount not to exceed \$28,756, payable pursuant to the agreed-upon unit costs for actual services provided and data entered in New York State Office for the Aging's PeerPlace System. It should also be noted that in addition to the agreed upon unit cost increase authorized under the Second Extension Term that the other reason for such an increase in funding is that the Contractors will be providing more units of service under the Second Extension Term, (the "Second Amendment"); and be it further

RESOLVED, that except as specifically amended hereby, all other terms and conditions set forth in the Agreements 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.

APPROVED BOARD OF ACQUISITION CONTRACTS BY JOHN J. SCULKY, SECRETARY

Initial Agreement: \$18,000
 First Amendment: \$18,000
 Second Amendment: \$60,216
 Total: \$96,216

Account to be charged	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	263	85	448X	4380	T-448	\$60,216

Budget Funding Years 2022 Start Date 1/1/2022 End Date 12/31/2022
 (must match resolution)

Funding Source Tax Dollars: \$0
 State Aid : \$0
\$60,216 Federal Aid: \$60,216
 (must match resolution)

APPROVED BOARD OF ACQUISITION & CONTRACT - 05/26/2022 - RAYMOND SCULKY, SECRETARY