

95162

DATE: August 2, 2022

TO: Board of Acquisition & Contract

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

RE: Authority to:

- a) amend a resolution approved on September 23, 2021 which authorized the County of Westchester to amend a resolution approved on April 8, 2021 which sought retroactive approval for an amendment to an Agreement for the provision of Information and Assistance services with the LOFT: The Lesbian and Gay Community Services Center, Inc., in order to increase the not-to-exceed amount during the First Option Term for the period from January 1, 2020 through December 31, 2020 by \$14,722, to instead authorize an amendment to the Agreement with The LOFT to retroactively increase funding under the First Option Term by said amount during said period; and
- b) further amend the Agreement with The LOFT, as amended by the First Amendment, the Second Amendment and the Third Amendment, which together authorized The LOFT to provide Information and Assistance Services for the Lesbian, Gay, Bisexual, and Transgender (“LGBT”) Community, for the period from April 1, 2019 through December 31, 2021, in order to retroactively increase the not-to-exceed amount under the Second Option Term (also the “Third Amendment”) for the period from January 1, 2021 through December 31, 2021 by an additional \$15,723; and
- c) amend a resolution approved on June 2, 2022, which authorized the County of Westchester to exercise the third of its four renewal options to extend the Agreement with The LOFT for the provision of Information and Assistance Services for the LGBT Community for the period from January 1, 2022 through December 31, 2022, in order to retroactively reflect an increase in the not-to-exceed amount for the Third Option Term by an additional \$15,723

By resolution approved on July 11, 2019, and later amended on October 31, 2019 (collectively the “Amended Resolution”), your Honorable Board authorized the County of Westchester (the “County”), acting by and through its Department of Senior Programs & Services (the “Department”) to, among other things, enter into an agreement (the “Agreement”) with The LOFT: The Lesbian and Gay Community Services Center, Inc. (“The LOFT”) to provide Information and Assistance services to County seniors under Title III-B of the Older Americans

Act (the “Services” or the “Program”) for the period commencing on April 1, 2019 and continuing through December 31, 2019 (the “Initial Term”), in an amount not-to-exceed \$17,837 in federal funds based on the agreed-upon unit costs for actual services provided. The Amended Resolution further authorized the County to extend the term of the Agreement for up to four (4) additional extension terms of one (1) year each (each an “Option Term” and collectively “Option Terms”), and that any extension of the Agreement by the County shall be on the same terms and conditions as the Initial Term. The Agreement was subsequently executed.

Thereafter, by resolution approved on February 20, 2020, your Honorable Board authorized the County, acting by and through the Department, to amend the Agreement in order to exercise the first of its four (4) Option Terms to extend the term of the Agreement for an additional year, for the period commencing on January 1, 2020 and continuing through December 31, 2020 (the “First Option Term”), in an amount not-to-exceed \$16,650 (the “First Amendment”). The First Amendment was subsequently executed.

Thereafter, by resolution approved on April 8, 2021 (the “April 8th Resolution”) and later amended on September 23, 2021 (the “September 23rd Resolution”), your Honorable Board authorized the County to amend the Agreement with The LOFT in order to: 1) exercise the second of its four (4) Option Terms to extend the term of the Agreement for an additional year, for the period commencing on January 1, 2021 and continuing through December 31, 2021 (the “Second Option Term” also the “Third Amendment”) in an amount not-to-exceed \$16,650 in Federal funding; and 2) to retroactively amend the resolution to seek retroactive authorization for an intermediary amendment to the Agreement to increase the not-to-exceed amount for the First Option Term by an additional \$14,722, from an amount not-to-exceed \$16,650, to an amount not-to-exceed \$31,372 (the “Second Amendment”).

Due to a clerical error, the September 23rd Resolution incorrectly authorized an amendment to the April 8th Resolution. Because the First Amendment was already executed, the September 23rd Resolution should have authorized an amendment to the Agreement instead of an amendment to the April 8th Resolution. Accordingly, authority is requested to retroactively amend the September 23rd Resolution to authorize the Second Amendment to the Agreement with the LOFT by increasing the not-to-exceed amount under the First Option Term (also the “First Amendment”) by an additional \$14,722, from an amount not-to-exceed \$16,650 to an amount not-to-exceed \$31,372. It should be noted that the Second Amendment and the aforementioned Third Amendment were subsequently executed.

Thereafter, by resolution approved on June 2, 2022 (the “June 2nd Resolution”), your Honorable Board authorized the County, acting by and through the Department, to further amend the Agreement in order to exercise the third of its four (4) Option Terms to extend the term of the Agreement for an additional year, for the period commencing on January 1, 2022 and continuing through December 31, 2022 (the “Third Option Term”), in an amount not-to-exceed \$16,650. The Third Option Term has *not* yet been executed.

It subsequently came to the Department’s attention that, in addition to the \$16,650 in funding allocated for the Second Option Term of the Agreement, there was an additional \$15,573 in federal funding allocated for the 2021 Program period that was expended for Services provided by The LOFT, but never authorized by your Honorable Board. In order to retroactively add this

funding to the Second Option Term, it will be necessary to seek retroactive authorization to further amend the Agreement to increase the not-to-exceed amount for the Second Option Term by an additional \$15,723. Accordingly, authority is respectfully requested to further amend the Agreement to retroactively increase the not-to-exceed amount under the Second Option Term (also the "Third Amendment") by \$15,723, from \$16,650 to \$32,373, for actual Services rendered by The LOFT during the Second Option Term (the "Fourth Amendment").

Additionally, The LOFT is on track to exceed the Services provided for under the Third Option Term. Therefore, in addition to the \$16,650 in funding allocated for the Third Option Term of the Agreement, there is an additional \$15,723 in federal funding allocated for the 2022 Program period under the Third Option Term. In order to retroactively add this funding to the Third Option Term, it will be necessary to amend the June 2nd Resolution to seek retroactive authorization to reflect an increase in the not-to-exceed amount for the Third Option Term by an additional \$15,723. Accordingly, authority is respectfully requested to amend the June 2nd Resolution to reflect an increase in the not-to-exceed amount under the Third Option Term by \$15,723, from \$16,650 to \$32,373, for actual Services to be provided by The LOFT during the Third Option Term (the "Fifth Amendment").

Except as otherwise specifically amended hereby, all remaining terms and conditions set forth in the September 23rd Resolution shall remain in full force and effect.

Except as otherwise specifically amended hereby, all remaining terms and conditions set forth in the Agreement, as previously amended, shall remain in full force and effect.

Except as otherwise specifically amended hereby, all remaining terms and conditions set forth in the June 2nd Resolution shall remain in full force and effect.

Accordingly, I recommend adoption of the attached resolution.

Attachment

MC/SJ/lc/jg

APPROVED BOARD OF ACQUISITION & CONTRACTS 08/25/2022 RAYMOND SCHEIDT, SECRETARY

RESOLUTION

UPON A COMMUNICATION FROM THE COMMISSIONER OF THE WESTCHESTER COUNTY DEPARTMENT OF SENIOR PROGRAMS AND SERVICES, be it hereby:

RESOLVED, that the resolution approved on September 23rd 2021 (the “September 23rd Resolution”), which authorized the County of Westchester (the “County”), acting by and through its Department of Senior Programs & Services (the “Department”), to amend a resolution approved on April 8, 2021 that authorized the County to: 1) exercise the second of its four (4) Option Terms to extend the term of the Agreement with the LOFT: The Lesbian and Gay Community Services Center, Inc. (“The LOFT”) for the provision of Information and Assistances services for an additional year, for the period commencing on January 1, 2021 and continuing through December 31, 2021 (the “Second Option Term”) in an amount not-to-exceed \$16,650 in Federal funding; and 2) which also sought retroactive approval for an intermediary amendment to an Agreement with the LOFT: The Lesbian and Gay Community Services Center, Inc. (“The LOFT”), to provide Information and Assistance Services for the period from January 1, 2020 through December 31, 2020 (the “First Option Term”), and to increase the not-to-exceed amount under the First Option Term by \$14,722, is hereby amended by instead authorizing an amendment to the Agreement with the LOFT to increase the not-to-exceed amount under the First Option Term by \$14,722, from an amount not-to-exceed \$16,650, to an amount not-to-exceed \$31,372; and be it further

RESOLVED, that the County, acting by and through the Department, is hereby authorized to further amend the agreement (the “Agreement”) with The LOFT, as amended by a First Amendment, a Second Amendment and a Third Amendment, which together authorized the LOFT to provide Information and Assistance Services for the Lesbian, Gay, Bisexual, and Transgender (“LGBT”) Community, for the period from April 1, 2019 through December 31, 2021, in order to retroactively increase the not-to-exceed amount under the Second Option Term (also the “Third Amendment”) by an additional \$15,723, from an amount not-to-exceed \$16,650, to a new not-to-exceed amount of \$32,373 in federal funds, for actual Services provided and line-items budgeted, for the Second Option Term commencing on January 1, 2021 and continuing through December 31, 2021 (the “Fourth Amendment”); and be it further

RESOLVED, that the Resolution approved on June 2, 2022 (the “June 2nd Resolution”), which authorized the County, acting by and through the Department, to further amend the Agreement with The LOFT to provide Information and Assistance services to the LGBT Community, in order to exercise the third of its four (4) one year renewal options thereunder for the period commencing on January 1, 2022 and continuing through December 31, 2022 (the “Third Option Term”), in an amount not-to-exceed \$16,650 in federal funds for actual services provided and line-items budgeted, be amended to retroactively reflect an increase in funding under the Third Option Term by \$15,723, from an amount not-to-exceed \$16,650, to a new not-to-exceed amount of \$32,373 in federal funds, for actual services to be provided and line-items budgeted (the “Fifth Amendment”); and be it further

RESOLVED, that except as otherwise specifically amended hereby, all remaining terms and conditions set forth in the September 23rd Resolution, the Agreement, as previously amended and the June 2nd Resolution 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.

Initial Agreement: \$17,837
 First Amendment: \$16,650
 Second Amendment: \$14,722
 Third Amendment: \$16,650
 Fourth Amendment: \$15,723
 Fifth Amendment: \$32,373
 Total: \$113,955

Account to be	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
Charged	263	85	686W	4380	T-686	\$15,723
Charged	263	85	686X	4380	T-686	\$15,723

Budget Funding Years 2021 & 2022
 (must match resolution)

Start Date 1/1/2021
 Start Date 1/1/2022

End Date 12/31/2021
 End Date 12/31/2022

Funding Source

Tax Dollars: \$ 0

\$31,446
 (must match resolution)

State Aid : \$ 0

Federal Aid: \$31,446

APPROVED BOARD OF ACQUISITION CONTRACT - 08/25/2022 - RAYMOND SCULKY, SECRETARY