

26600

DATE: May 1, 2012
TO: Board of Acquisition & Contract
FROM: Mae Carpenter, Commissioner
Department of Senior Programs and Services
RE: Authority To:

- a) Enter into an Agreement with the New York State Executive Department Office for the Aging to accept a grant in the sum of \$2,110,585 to provide nutrition programs for the elderly under Titles IIIC-1, IIIC-2, and the Nutritional Services Incentive Program of the Older Americans Act for the program period January 1, 2012 through December 31, 2012; and
- b) Enter into Agreements with the seventeen (17) subcontractors set forth in the attached schedule, to operate nutrition programs for the elderly under Titles IIIC-1, IIIC-2, and the Nutritional Services Incentive Program of the Older Americans Act for an aggregate amount not to exceed \$1,548,247, for the program period January 1, 2012 through December 31, 2012

The County of Westchester, acting by and through the Department of Senior Programs and Services (the "Department"), seeks authority from your Honorable Board to enter into an Agreement with the New York State Office for the Aging ("NYSOFA") to accept a grant in the sum of \$2,110,585 to provide various nutrition programs (the "Programs") for seniors under Titles IIIC-1, IIIC-2 and the Nutritional Services Incentive Program ("NSIP") of the Older Americans Act, for the program period January 1, 2012 through December 31, 2012.

In addition, authority is also sought to enter into inter-municipal and interagency agreements with the seventeen (17) subcontractors set forth in the attached schedule, for the purpose of administering the aforementioned nutrition programs for the elderly in a total aggregate amount not-to-exceed \$1,548,247 in the individual amounts set forth in the attached schedule. These agreements will commence January 1, 2012 and continue through December 31, 2012, with the County having the sole option to renew the Agreements for up to four (4) additional one (1) year periods, subject to the further approval of this Board. It should be noted that the remaining \$562,338 in Federal funds will be used directly by the Department to provide nutrition education and counseling, service management and area agency administration.

With regard to the distribution of NSIP funding, the agreements with the subcontractors will provide that the Department will be authorized to distribute such funding 1) contingent upon its receiving further State approval; and 2) by providing the subcontractors with written confirmation that the State has authorized the distribution of such funds, without the need for the subcontractor to execute a supplemental agreement.

This Agreement will serve a public purpose by providing needed nutrition programs to elderly residents of the County, thus preventing malnutrition and improving their overall health.

The goals and objectives of the nutrition programs under Titles IIC-1, IIC-2 and NSIP of the Older Americans Act are to service seniors who are 60 years of age or older looking to satisfy the basic need for food, nutrition and socialization. The home delivered meals program specifically aims to maintain or improve the well being of those seniors who are at increased nutritional risk. During the IIC-1 2011 contract period, for example, 187,940 meals were provided to 3,829 congregate seniors. During the IIC-2 2011 contract period, 139,324 meals were provided to 1,280 homebound seniors.

The goals and objectives are in the best interests of the County in terms of public health by providing needed nutrition programs to elderly residents of the County who are most vulnerable to suffering from malnutrition.

The goals and objectives will be tracked, monitored and evaluated by the Department's Nutrition, Health and Wellness Unit, to ensure compliance with Federal, State and County Regulations. On-site monitoring, subcontractor monthly report reviews and contract meal performance management will be completed by assigned nutrition staff. On-site reviews will be conducted bi-annually by nutrition staff and annually by the State Office for the Aging.

The Westchester County Board of Legislators, by Act No. 2012 - 36, authorized the County to enter into inter-municipal agreements with municipalities in Westchester County to provide nutrition assistance to the elderly.

The Grant Agreement and inter-municipal agreements described above are exempt under Section 3(a) Subsection iii of the Westchester County Procurement Policy. The agreements with the agencies are exempt pursuant to Section 3(a) Subsection xix of the Policy. Federal common grant rules will not apply. NYSOFA has indicated that the Department should follow the County policies and procedures it uses to procure services under this grant.

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.

Accordingly, I most respectfully recommend adoption of the attached proposed resolution.

RESOLUTION

Upon communication from the Commissioner of the Westchester County Department of Senior Programs and Services:

RESOLVED, that the County of Westchester is hereby authorized to enter into an agreement with New York State Office for the Aging (NYSOFA) to accept a grant in the sum of \$2,110,585 to provide various nutrition programs (the "Programs") for the elderly pursuant to Titles IIIC-1, IIIC-2, and the Nutritional Services Incentive Program ("NSIP") of the Older Americans Act for the program period January 1, 2012 through December 31, 2012; and be it further

RESOLVED, that the County of Westchester is hereby authorized to enter into inter-municipal and interagency agreements with the seventeen (17) subcontractors listed in the attached schedule to operate nutrition programs for the elderly under Titles IIIC-1, IIIC-2, and NSIP of the Older Americans Act in the individual amounts set forth in the attached schedule, for a total aggregate amount not-to-exceed \$1,548,247 for the program period January 1, 2012 through December 31, 2012, with the County having the sole option to renew the Agreements for up to four (4) additional one (1) year periods, subject to the further approval of this Board; and be it further

RESOLVED, that with regard to the distribution of NSIP funding, the agreements with the subcontractors shall provide that the Department will be authorized to distribute such funding 1) contingent upon its receiving State approval; and 2) by providing the subcontractors with written confirmation that the State has authorized the distribution of such funds, without the need for the subcontractor to execute a supplemental agreement; and be it further

RESOLVED, that the Agreements with the seventeen (17) subcontractors are subject to County Appropriations; and be it further

RESOLVED, that the Agreement is also subject to the further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate the Agreement with the contractor, or to renegotiate the amounts and rates approved therein. If the County subsequently offers to pay a reduced amount to the contractor, then the contractor shall have the right to terminate this Agreement upon reasonable prior written notice; 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:	Fund	Dept	Major Program Program & Phase , Unit	Object/Sub Object	Trust Account	Dollars
Credited	263	85	941M	9853	T 941	\$1,128,232
Credited	263	85	942M	9853	T 942	\$ 524,745
Credited	263	85	939L	9853	T 939	\$ 271,880
Credited	263	85	939L	9853	T 939	\$ 185,728
Charged	263	85	941M	4380	T 941	\$ 716,386
Charged	263	85	942M	4380	T 942	\$ 374,253
Charged	263	85	939L	4380	T 939	\$ 271,880
Charged	263	85	939L	4380	T 939	\$ 185,728
Charged	263	85	941M+ 942M	VARIOUS	T941&T942	\$ 562,338

Budget Funding Year(s): Unit 941M & 942M 2012 Start Date 1/1/12 End Date 12/31/12
 (must match resolution) Unit 939L 2011-2012 Start Date 10/1/11 End Date 9/30/12

Funding Source	Tax Dollars	\$ 0
	State Aid	\$ 0
<u>\$ 2,110,585</u>	Federal Aid	\$ 2,110,585
(must match resolution)	Other	\$ 0

SCHEDULE

MUNICIPALITY	NOT TO EXCEED FEDERAL FUNDS		NOT TO EXCEED FEDERAL FUNDS		SUBCONTRACTOR MATCH		NET	
	IIIC-1	IIIC-1 NSIP	IIIC-2	IIIC-2 NSIP	IIIC-1	IIIC-2	IIIC-1	IIIC-2
Cortlandt	\$12,533	\$4,134	\$16,910	\$9,212	\$4,635	\$6,254	\$21,302	\$32,376
Eastchester	\$61,298	\$27,470	\$13,501	\$7,998	\$22,672	\$4,994	\$111,440	\$26,493
Greenburgh	\$91,011	\$25,084	\$30,609	\$16,734	\$33,662	\$11,321	\$149,757	\$58,664
Mamaroneck	\$17,968	\$8,992	\$55,524	\$13,836	\$6,646	\$20,536	\$33,606	\$89,896
Mount Kisco	\$33,497	\$14,712	\$26,898	\$13,982	\$12,389	\$9,949	\$60,598	\$50,829
Mount Pleasant	\$26,093	\$11,600	\$11,027	\$6,630	\$9,651	\$4,078	\$47,344	\$21,735
Mount Vernon	\$44,685	\$26,684	\$43,286	\$27,432	\$16,527	\$16,010	\$87,896	\$86,728
New Rochelle	\$68,238	\$22,462	\$5,684	\$3,454	\$25,239	\$2,102	\$115,939	\$11,240
Ossining	\$25,423	\$12,696	\$25,776	\$15,678	\$9,403	\$9,534	\$47,522	\$50,988
Peekskill	\$37,846	\$16,282	\$37,065	\$19,258	\$13,998	\$13,709	\$68,126	\$70,032
Port Chester	\$52,278	\$23,814	\$8,637	\$2,282	\$19,336	\$3,195	\$95,428	\$14,114
Somers	\$18,388	\$7,398	\$0	\$0	\$6,801	\$0	\$32,587	\$0
White Plains	\$33,610	\$14,194	\$0	\$0	\$12,431	\$0	\$60,235	\$0
Yonkers	\$118,765	\$28,772	\$50,656	\$20,102	\$43,927	\$18,736	\$191,464	\$89,494
Yorktown	\$29,116	\$13,998	\$37,757	\$23,144	\$10,769	\$13,965	\$53,883	\$74,866
<u>Not for Profit Organizations:</u>								
Westchester Jewish Community Services	\$10,833	\$5,112	\$10,923	\$5,986	\$4,007	\$4,040	\$19,952	\$20,949
YWCA Yonkers	\$34,804	\$8,476	\$0	\$0	\$12,873	\$0	\$56,153	\$0
TOTAL	\$716,386	\$271,880	\$374,253	\$185,728	\$264,966	\$138,423	\$1,253,232	\$698,404