

ID# 27072

DATE: May 23, 2012

TO: Board of Acquisition and Contract

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

RE: a.) Authority to enter into an Agreement with the New York State Office for the Aging (NYSOFA) to accept a Senior Medicare Patrol Expansion grant in the amount not-to-exceed \$74,536.00 to coordinate and implement a Medicare Fraud Prevention Transit Media Advertising Campaign in the Hudson Valley Region for the program period September 30, 2011 through September 29, 2012; and

b.) Authority to enter into an Agreement with Titan Outdoor, LLC for the purpose of providing bus advertising services in the cities of Mount Vernon, New Rochelle and Yonkers in an amount not- to-exceed \$39,000 under the SMP Program for the program period September 30, 2011 through September 29, 2012.

The County of Westchester (the "County"), 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 (NYOSFA) to accept a grant in the amount of \$74,536.00 to provide funding for the Senior Medicare Patrol Expansion Program (SMP) for the program period September 30, 2011 through September 29, 2012.

Authority is also requested to enter into an agreement with Titan Outdoor, LLC to produce and install exterior bus signs for the cities of Mount Vernon, New Rochelle and Yonkers (the "Agreement") in an amount not-to-exceed \$39,000.00 for the program period September 30, 2011 through September 29, 2012.

The County at its sole option may renew the Agreement with Titan Outdoor, LLC for four (4) additional one (1) year periods subject to the prior approval of your Honorable Board.

The proposed agreement will serve a public purpose by promoting awareness about preventing and combating Medicare fraud, abuse and waste using targeted and regional media to reach a greater number of New York's Medicare beneficiaries.

The goals and objectives of the proposed agreement are to alert and educate consumers on how to prevent, recognize and report instances of Medicare fraud as part of the Government's health care fraud prevention and enforcement effort.

The proposed agreement is in the best interest of the County in terms of fiscal responsibility because by reducing incidents of Medicare fraud and abuse through this public awareness campaign, public and private health care systems payers will save billions of dollars that otherwise would be lost to undetected Medicare scams.

The goals and objectives of the proposed agreement will be tracked through the annual Health Care Fraud and Abuse Control Program Report compiled by the Department of Justice and the Department of Health and Human Services.

The grant agreement with NYSOFA does not constitute a procurement and as such, the provisions of the Westchester County Procurement Policy do not apply.

The agreement with Titan Outdoor, LLC is exempt from Westchester County Procurement Policy under section 3 (a) xi thereof, which exempts procurements made pursuant to procurement procedures provided for under any other federal or state law applicable to such procurement. Due to the fact that the County is using Federal grant funds in order to implement the SMP Program, the County must follow the Federal Common Grant Rules for procurement. In this case, Titan is exempt from competitive procurement under the Federal Common Grant Rules pursuant to 45 CFR 92.36(c)(4)(i)(A) which permits procurement by noncompetitive proposals when the item is available only from a single source because Titan has an exclusive contract with the County for bus advertising which was approved by your Honorable Board by Resolution dated November 4, 2010.

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 recommend adoption of the proposed annexed resolution.

RESOLUTION

UPON COMMUNICATION FROM THE COMMISSIONER OF THE WESTCHESTER COUNTY DEPARTMENT OF SENIOR PROGRAMS AND SERVICES, BE IT HEREBY:

RESOLVED, that the County of Westchester is hereby authorized to enter into an agreement with the New York State Office for the Aging to accept a Senior Medicare Patrol Expansion grant (SMP) in the amount not-to-exceed \$74,536.00 to coordinate and implement a Medicare Fraud Prevention Transit Media Advertising Campaign in the Hudson Valley Region for the program period September 30, 2011 through September 29, 2012; and be it further;

RESOLVED, that the County of Westchester is hereby authorized to enter into an agreement with Titan Outdoor, LLC (the "Contractor") for the purpose of producing and installing exterior bus signs for the cities of Mount Vernon, New Rochelle and Yonkers in an amount not-to-exceed \$39,000 to be paid pursuant to an approved budget for the period commencing September 30, 2011 through September 29, 2012; subject to the further approval of this Board; and be it further;

RESOLVED, that the County, at its sole option, may renew the Agreement with the Contractor for four (4) additional one (1) year periods, and be it further;

RESOLVED, that the Agreement with the Contractor is also subject to County Appropriations; and be it further;

RESOLVED, that the Agreement with the Contractor 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 the 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.

This Agreement \$74,536.00
 TOTAL \$74,536.00
 Agreement # 1

Account to be	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
Credited	263	85	233L	9853	T233	\$74,536.00
Charged	263	85	233L	4380	T233	\$39,000.00
Charged	263	85	233L	various	T233	\$35,536.00

Budget Funding Year(s) 2011-2012 Start Date 9/30/11 End Date 9/29/12
 (must match resolution)

Funding Source Tax Dollars _____
 State Aid _____
\$74,536.00 Federal Aid \$74,536.00
 (must match resolution) Other _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 06/14/2011 - JOMAR VIEIRA, SECRETARY