

**31865**

DATE: January 23, 2013  
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 State of New York, acting by and through the New York State Office for the Aging, to accept a grant in the sum of \$2,261,405.00 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, 2013 through December 31, 2013; and
- b) To exercise an option to renew inter-municipal and inter-agency Agreements with the seventeen (17) contractors set forth in the attached Schedule "A", 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 \$1,736,064.00, in the individual amounts set forth in Schedule "A" for the program period January 1, 2013 through December 31, 2013.

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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 State of New York, acting by and through the New York State Office for the Aging ("NYSOFA") to accept a grant in the sum of \$2,261,405.00 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, 2013 through December 31, 2013.

Additionally, by resolution approved on June 14, 2012 (the "June 14<sup>th</sup> Resolution"), your Honorable Board authorized the County to enter into inter-municipal and inter-agency Agreements (the "Agreements") with the seventeen (17) contractors set forth in the attached Schedule "A" for the purpose of administering the aforementioned nutrition programs (the "Programs") for the elderly under the Title IIIC-1, IIIC-2 and the NSIP of the Older Americans Act, for a total aggregate amount not-to-exceed \$1,548,247.00 in Federal funds to be paid pursuant to an approved budget, for the period commencing 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 prior approval of your Honorable Board. These agreements were subsequently executed.

The County now seeks authority to exercise the first of its four (4) options to renew the inter-municipal and inter-agency agreements with the seventeen (17) contractors set forth in the attached Schedule "A" for the purpose of administering the aforementioned nutrition programs for the elderly under the Title IIIC-1, IIIC-2 and the NSIP of the Older Americans Act, for the program period January 1, 2013 through December 31, 2013 for a total aggregate amount not-to-exceed \$1,736,064.00 in Federal funds, in the individual amounts set forth in the attached Schedule "A", to be paid pursuant to an approved budget

It should be noted that of the remaining \$525,341.00 in Federal funds, \$506,841.00 will be used directly by the Department to provide nutrition education and counseling, service management and area agency administration, and \$18,500.00 will be awarded under a separate resolution to an agency, to be later determined through the Request for Proposals process, to provide home-delivered meal assessments.

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.

These Agreements 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 IIIC-1, IIIC-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 III-C-1 2012 contract period, for example, 188,596 meals were provided to 3,981 congregate seniors. During the IIIC-2 2012 contract period, 129,976 meals were provided to 1,151 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 does not constitute a procurement and as such, the requirements of the County Procurement Policy do not apply. The 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. It should be noted that the 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.

Except as specifically amended hereby, all remaining terms and conditions of the Agreements shall remain the same.

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 State of New York, acting by and through the New York State Office for the Aging (NYSOFA), to accept a grant in the sum of \$2,261,405.00 to provide various nutrition programs (the "Programs") for the elderly pursuant to Titles IIC-1, IIC-2, and the Nutritional Services Incentive Program ("NSIP") of the Older Americans Act for the program period January 1, 2013 through December 31, 2013; and be it further

RESOLVED, that the County of Westchester is hereby authorized to exercise the first of its four (4) options to renew inter-municipal and interagency Agreements (the "Agreements") with the seventeen (17) contractors (the "contractors") listed in the attached Schedule "A" to administer nutrition programs for the elderly under Titles IIC-1, IIC-2, and NSIP of the Older Americans Act for a total aggregate amount not-to-exceed \$1,736,064.00 in Federal funds in the individual amounts set forth in the attached Schedule "A", to be paid pursuant to an approved budget for the program period January 1, 2013 through December 31, 2013; and be it further

RESOLVED, that with regard to the distribution of NSIP funding, the Agreements with the seventeen (17) contractors 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 contractors with written confirmation that the NYSOFA has authorized the distribution of such funds, without the need for the contractor to execute a supplemental agreement; and be it further

RESOLVED, that except as specifically amended hereby, all remaining terms and conditions of the Agreements shall remain the same; 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	941N	9853	T 941	\$1,089,288
Credited	263	85	942N	9853	T 942	\$517,581
Credited	263	85	939M	9853	T 939	\$379,192
Credited	263	85	939M	9853	T 939	\$275,344
Charged	263	85	941N	4380	T 941	\$676,725
Charged	263	85	942N	4380	T 942	\$404,803
Charged	263	85	939M	4380	T 939	\$379,192
Charged	263	85	939M	4380	T 939	\$275,344
Charged	263	85	941N+ 942N	VARIOUS	T941&T942	\$525,341

Budget Funding Year(s): Unit 941N & 942N 2013      Start Date 1/1/13      End Date 12/31/13  
 (must match resolution)      Unit 939M 2012-2013      Start Date 10/1/12      End Date 9/30/13

Funding Source	Tax Dollars	\$ 0
	State Aid	\$ 0
<u>\$2,261,405</u>	Federal Aid	<u>\$ 2,261,405</u>
(must match resolution)	Other	\$ 0

## SCHEDULE "A"

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	\$14,395	\$6,224	\$23,152	\$12,366	\$5,324	\$8,563	\$25,943	\$44,081
Eastchester	\$48,452	\$39,294	\$18,802	\$10,590	\$17,921	\$6,954	\$105,667	\$36,346
Greenburgh	\$71,158	\$36,376	\$44,053	\$24,066	\$26,319	\$16,294	\$133,853	\$84,413
Mamaroneck	\$16,650	\$10,620	\$46,343	\$33,562	\$6,158	\$17,141	\$33,428	\$97,046
Mount Kisco	\$26,403	\$21,414	\$23,270	\$21,528	\$9,765	\$8,607	\$57,582	\$53,405
Mount Pleasant	\$26,440	\$16,622	\$16,288	\$8,322	\$9,779	\$6,024	\$52,841	\$30,634
Mount Vernon	\$52,048	\$27,460	\$58,437	\$34,142	\$19,251	\$21,614	\$98,759	\$114,193
New Rochelle	\$73,921	\$41,168	\$0	\$0	\$27,341	\$0	\$142,430	\$0
Ossining	\$23,625	\$16,370	\$23,351	\$19,368	\$8,738	\$8,637	\$48,733	\$51,356
Peekskill	\$29,917	\$24,072	\$31,248	\$30,246	\$11,065	\$11,557	\$65,054	\$73,051
Port Chester	\$41,052	\$33,470	\$13,782	\$5,466	\$15,184	\$5,097	\$89,706	\$24,345
Somers	\$21,386	\$11,782	\$0	\$0	\$7,910	\$0	\$41,078	\$0
White Plains	\$39,111	\$20,164	\$0	\$0	\$14,466	\$0	\$73,761	\$0
Yonkers	\$138,235	\$38,280	\$61,757	\$37,982	\$51,128	\$22,842	\$227,643	\$122,581
Yorktown	\$22,720	\$18,758	\$32,746	\$29,552	\$8,403	\$12,111	\$49,881	\$74,409
<u>Not for Profit Organizations:</u>								
Westchester Jewish Community Services	\$11,478	\$6,578	\$11,574	\$8,154	\$4,245	\$4,281	\$22,301	\$24,009
YWCA Yonkers	\$19,734	\$10,520	\$0	\$0	\$7,299	\$0	\$37,553	\$0
<b>TOTAL</b>	<b>\$676,725.</b>	<b>\$379,192</b>	<b>\$404,803.</b>	<b>\$275,344.</b>	<b>\$250,296</b>	<b>\$149,722</b>	<b>\$1,306,213</b>	<b>\$829,869</b>