

38487

DATE: January 22, 2014

TO: Board of Acquisition & Contract

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

RE: Request for authority to exercise:

- a. an option to renew inter-municipal agreements with the thirteen (13) Contractors set forth in the attached Schedule "A", to operate Nutrition Site Transportation and Supportive Services Transportation programs for the elderly under Title IIIB of the Older Americans Act, for a total aggregate amount not-to-exceed \$337,204.00 for the period January 1, 2014 through December 31, 2014.
- b. amend the Agreements with the Contractors to add certain provisions required by the New York State Office for the Aging concerning equal access to services, non-discrimination and concentration of services on target populations

By resolution approved on June 13, 2013 (the "June 13th" Resolution), your Honorable Board authorized the County of Westchester (the "County"), acting by and through the Department of Senior Programs and Services (the "Department") to enter into inter-municipal agreements (the "IMAs") with the thirteen (13) contractors (the "Contractors") set forth in Schedule "A", attached to the June 13th Resolution, for the purpose of, for a total aggregate amount not-to-exceed \$374,670.00, comprised of \$221,055.00 in federal grant funds and \$153,615.00 in Contractor matching funds, in the individual amounts set forth in Schedule "A", attached to the June 13th Resolution, for the program period commencing January 1, 2013 and terminating December 31, 2013, with the County having the option to renew the IMAs for up to five (5) additional one-year terms, subject to the prior approval of the Westchester County Board of Legislators and your Honorable Board. The IMAs were subsequently executed.

The County now seeks approval from your Honorable Board to exercise the first of its five (5) options to renew the IMAs with the thirteen (13) Contractors set forth in Schedule "A," attached to the annexed resolution, to provide the Program services for the elderly under Title IIIB of the Older Americans Act for up to a total aggregate amount not-to-exceed \$337,204.00, comprised of \$198,950.00 in federal grant funds and \$138,254.00 in Contractor matching funds, in the individual amounts set forth in the attached Schedule "A", for the program period commencing January 1, 2014 and terminating December 31, 2014.

Authority is also requested to amend the Agreements with the Contractors to add certain provisions required by NYSOFA..." concerning equal access to services, non-discrimination and concentration of services on target populations. By way of background, on July 17, 2012 NYSOFA issued its revised Equal Access and Targeting Policy (12-PI-08) clarifying the responsibilities of New York State's Aging Network Providers under federal and state laws regarding equal access to services and nondiscrimination in serving all cohorts of New York's older adults and caregivers. The program Instruction also addressed the federal and state requirements for targeting activities to reach those unserved and underserved groups that are in greatest social and/or economic need. The Area Agencies on Aging ("AAAs") were instructed that they are responsible for requiring all aging service providers under their respective planning and service area to comply with requirements for equal access (including language accessibility), nondiscrimination and concentration of services on target populations as required in the Older Americans

Act (OAA), NYS regulations, other relevant laws, and NYSOFA policies. The AAAs were further instructed to include these requirements in each agreement made with such providers (OAA §306[a][4][A]) and to specify how the provider intends to meet specific objectives for satisfying the service needs of, and providing services to, low-income minority individuals, older individuals with limited English proficiency, and older individuals residing in rural areas (OAA §306[a][4][A]). Accordingly, these requirements will be added to the First Amendments in the form of an appendix.”

The Westchester County Board of Legislators by Act No. 148-2013, adopted on August 12, 2013, authorized inter-municipal agreements with Westchester County municipalities, including the Contractors, in connection with the Title IIIB Program.

Although the IMAs described above are exempt from the Westchester County Procurement Policy pursuant to Sections 3(a)iii and 3(a)xix, thereof, competitive procurement would ordinarily be required under the Federal Common Grant Rules, 45 CFR 92.36 et seq. However, because all of the municipalities (with the exception of Cortlandt) use their own buses to provide nutrition site and/or supportive services transportation, I recommend that the subject procurements qualify as procurements from *non-competitive proposals* in accordance with 45 CFR 92.36 (d)(4) which allows for a solicitation of a proposal from only one source when competition is deemed to be inadequate following a cost analysis. It should be noted that the Town of Cortlandt provides transportation services through a third party vendor, which vendor is procured in accordance with the competitive bidding requirements set forth in section 103 of the NYS General Municipal Law.

Except as specifically amended hereby, all other terms and conditions set forth in the IMAs shall remain in full force and effect.

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 BE IT HEREBY:

RESOLVED, that the County of Westchester (the "County") is hereby authorized to exercise the first of its five (5) options to renew inter-municipal Agreements with the thirteen (13) Contractors set forth in the attached Schedule "A" to provide Nutrition Site Transportation and Supportive Services Transportation services for the elderly pursuant to Title IIIB of the Older Americans Act for up to a total aggregate amount not-to-exceed \$337,204.00, comprised of \$198,950.00 in federal grant funds and \$138,254.00 in Contractor matching funds, in the individual amounts set forth in the attached Schedule "A" , for the program period January 1, 2014 through December 31, 2014; and be it further

RESOLVED, that the County is hereby further authorized to amend the Agreements with the Contractors to add certain new provisions required by NYSOFA concerning equal access to services, non-discrimination and concentration of services on target populations; and be it further

RESOLVED, that except as specifically amended hereby, all remaining terms and conditions set forth in the inter-municipal 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 Or Unit	Object/ Sub Object	Trust Account	Dollars																																		
Charged	263	85	686P	4380	T-686	\$198,950.00																																		
N/A	N/A	N/A	N/A	N/A	N/A	\$138,254.00																																		
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">Budget Funding Year(s) (must match resolution)</td> <td style="width: 25%;"><u>2014</u></td> <td style="width: 25%;">Start Date</td> <td style="width: 25%;"><u>1/1/14</u></td> <td style="width: 25%;">End Date</td> <td style="width: 25%;"><u>12/31/14</u></td> </tr> <tr> <td>Funding Source</td> <td>Tax Dollars</td> <td colspan="5">\$ _____</td> </tr> <tr> <td></td> <td>State Aid</td> <td colspan="5">\$ _____</td> </tr> <tr> <td><u>\$337,204.00</u> (must match resolution)</td> <td>Federal Aid</td> <td colspan="5"><u>\$198,950.00</u></td> </tr> <tr> <td></td> <td>Other</td> <td colspan="5"><u>\$138,254.00</u></td> </tr> </table>							Budget Funding Year(s) (must match resolution)	<u>2014</u>	Start Date	<u>1/1/14</u>	End Date	<u>12/31/14</u>	Funding Source	Tax Dollars	\$ _____						State Aid	\$ _____					<u>\$337,204.00</u> (must match resolution)	Federal Aid	<u>\$198,950.00</u>						Other	<u>\$138,254.00</u>				
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SCHEDULE "A"

Municipality/Agency	Federal Funds	Contractor Match	Gross/Net
Cortlandt, Town of	\$5,892	\$4,095	\$9,987.00
Eastchester, Town of	\$7,247	\$5,036	\$12,283.00
Greenburgh, Town of	\$15,904	\$11,052	\$26,956.00
Mamaroneck, Town of	\$8,172	\$5,679	\$13,851.00
Mount Pleasant, Town of	\$4,767	\$3,313	\$8,080.00
New Rochelle, City of	\$18,000	\$12,508	\$30,508.00
Ossining, Town of	\$9,974	6,931	\$16,905.00
Peekskill, City of	\$3,519	\$2,445	\$5,964.00
Port Chester, Village of	\$13,747	\$9,553	\$23,300.00
Somers, Town of	\$3,483	\$2,420	\$5,903.00
White Plains, City of	\$13,682	\$9,508	\$23,190.00
Yonkers, City of	\$84,450	\$58,686	\$143,136.00
Yorktown, Town of	\$10,113	\$7,028	\$17,141.00
Totals	\$198,950.00	\$138,254.00	\$337,204.00

APPROVED BOARD OF ACQUISITION & CONTRACTS 03/27/2014 PRIMARY VEIP SECRETARY