

**39451**

DATE: April 2, 2014

TO: Board of Acquisition & Contract

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

RE: Authority for the County of Westchester to amend its agreement with J&R Tours LTD for group transportation services for senior citizens, in order to:

- 1.) exercise its second option under the agreement, and consequently:
  - a.) extend the termination date of the agreement from December 31, 2013 to December 31, 2014, and
  - b.) increase the not-to-exceed amount authorized for the agreement by \$41,124.00, to pay for services during the extended term;
- and
- 2) 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, in the form of an appendix.

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By a resolution approved on August 16, 2012, your Honorable Board authorized the County of Westchester (the "County") to enter into an agreement with J&R Tours LTD ("J&R Tours"), pursuant to which J&R Tours was to provide group transportation services for senior citizens (the "Services"), for an amount not-to-exceed \$66,124.00, for a term commencing January 1, 2012 and continuing through December 31, 2012, with the County having the option to extend the term for up to four (4) additional one (1) year periods utilizing the same pricing, terms, and conditions, except that the pricing would be subject to adjustment for each option year based on 100% of the percentage increase in the 'Consumer Price Index Public Transportation – U.S. City Average' (the "Original Agreement"). The Original Agreement was subsequently executed.

By a resolution approved on May 16, 2013, your Honorable Board authorized the County to amend the Original Agreement based upon the County exercising its first option under the Original Agreement, and consequently, 1) extend the termination date of the Original Agreement, from December 31, 2012 to December 31, 2013, and 2) increase the not-to-exceed amount authorized under the Original Agreement by \$41,124.00, for services to be provided

during the extended term, to a new total not-to-exceed amount of \$107,248.00 (the "First Amendment"). The First Amendment was subsequently executed.

The County has determined that it requires the Services for the calendar year 2014. J&R Tours has satisfactorily provided the Services and, under the Original Agreement, as amended by the First Amendment, (the "Agreement") the County has three (3) remaining one (1) year options.

Therefore, the County, acting by and through its Department of Senior Programs and Services (the "Department"), and in accordance with the applicable Federal regulations, performed a price analysis of the County's option for 2014 under the Agreement. After soliciting and analyzing current price quotes from two (2) other vendors that could provide the Services, the Department concluded that it is most economically prudent to exercise the County's option under the Agreement in order to obtain the Services for 2014.

Accordingly, the County is seeking to exercise its second option under the Agreement and consequently extend the termination date of the Agreement from December 31, 2013 to December 31, 2014. Under the Agreement, the County pays for the Services at specified hourly rates. The Department has determined that, based upon the hourly rates for the Services under the option for 2014, the County will need to increase the not-to-exceed amount of the Agreement by \$41,124.00 for the Services for 2014, to a new total not-to-exceed amount of \$148,372.00.

The Department has also been notified that it must amend the Agreement to add certain provisions required by the New York State Office for the Aging ("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"), state 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, the Department is seeking to add these requirements to the Agreement in the form of an appendix, which is appended to the attached resolution as Schedule "A".

Accordingly, the County respectfully requests that your Honorable Board authorize the County to amend the Agreement (the "Second Amendment") by:

- 1) exercising its second option under the Agreement, and consequently:

- a) extending the termination date of the Agreement from December 31, 2013 to December 31, 2014, and
- b) increasing the not-to-exceed amount authorized for the Agreement by \$41,124.00, to pay for services during the extended term,

and

- 2) adding certain provisions required by NYSOFA concerning equal access to services, non-discrimination and concentration of services on target populations, in the form of an appendix.

Except as specifically amended hereby, all terms and conditions of the Agreement shall remain in full force and effect.

The proposed Second Amendment will serve a public purpose by providing the County with the group transportation services for senior citizens that the County requires for 2014.

The goal and objective of the proposed Second Amendment is to provide the County with the group transportation services for senior citizens that the County requires for 2014.

The goal and objective of the proposed Second Amendment is in the best interests of the County in terms of health and the environment, as the group transportation services for senior citizens provides those senior citizens with access to programs, activities, and events that aid in preventing their premature physical and psychological deterioration.

The goals and objectives of the proposed Second Amendment will be tracked and monitored by the Department.

Accordingly, I recommend adoption of the proposed resolution.

MC/MJ/bdm/nn

**RESOLUTION**

Upon a communication from the Commissioner of Senior Programs and Services, be it hereby:

**RESOLVED**, that the County of Westchester (the "County") is hereby authorized to amend an agreement with J&R Tours LTD (the "J&R Tours"), pursuant to which J&R Tours was to provide group transportation services for senior citizens (the "Services"), for an amount not-to-exceed \$107,248.00, for a term commencing January 1, 2012 and continuing through December 31, 2013, with the County having the option to extend the term for up to three (3) additional one (1) year periods utilizing the same pricing, terms, and conditions, except that the pricing would be subject to adjustment for each option year based on 100% of the percentage increase in the 'Consumer Price Index Public Transportation – U.S. City Average' (the "Agreement"), by:

- 1) exercising its second option under the Agreement, and consequently:
  - a) extending the termination date of the Agreement from December 31, 2013 to December 31, 2014, and
  - b) increasing the not-to-exceed amount authorized for the Agreement by \$41,124.00, to pay for services during the extended term;

and

- 2) adding 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, in the form of an appendix.

; and be it further

**RESOLVED**, that except as specifically amended hereby, all terms and conditions of the Agreement shall remain in full force and effect; and be it further

**RESOLVED**, that the County Executive or his duly authorized designee is hereby authorized to take such actions and execute such documents as may be necessary and appropriate to effectuate the purposes hereof.

Account to be Charged/Credited

Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
263	85	686P	4380	T686	\$41,124

Budget Funding Years: 2014 Start Date: 1/1/14 End Date: 12/31/14  
(must match resolution)

Funding Source	Tax Dollars	_____
<u>\$41,124.00</u>	State Aid	_____
(must match resolution)	Federal Aid	<u>\$41,124</u>
	Other	_____