

**40362**

**DATE:** May 12, 2014

**TO:** Board of Acquisition & Contract

**FROM:** Mae Carpenter, Commissioner  
Department of Senior Programs & Services

**RE::** Request for 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 (“NYSOFA”) to accept a grant in the amount of \$54,074 to implement the AAA Transportation Program for the program period April 1, 2014 through March 31, 2015; and
- b) Amend Inter-Municipal Agreements to exercise the first of the County’s five (5) options to renew the agreements with the nine (9) Contractors set forth in the attached Schedule A to provide group transportation services for Westchester County seniors in an aggregate amount not to exceed \$54,074, for the program period April 1, 2014 through March 31, 2015; and
- c) Amend the Inter-Municipal Agreements to add certain provisions required by the NYSOFA concerning equal access to services, non discrimination and concentration of services on target populations.

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The County of Westchester (the “County”), acting by and through its Department of Senior Programs and Services (the “Department”), seeks authority from your Honorable Board to enter into an agreement with the NYSOFA to accept a grant in the amount of \$54,074 for the purpose of implementing the New York State AAA Transportation Program for the program period April 1, 2014 through March 31, 2015.

Additionally, by resolution approved on August 15, 2013 (the “August 15<sup>th</sup> Resolution”) your Honorable Board authorized the County acting by and through its Department of Senior Programs and Services (the “Department”) to enter into Inter-Municipal Agreements (the “IMAs”) with the nine (9) municipal contractors (the “Contractors”) listed in the attached Schedule A to provide group transportation services for County seniors (the “Program”) for an aggregate amount not to exceed \$54,074, for the program period April 1, 2013 through March 31, 2014, with the County having the sole option to renew the IMAs for up to five (5) additional one-year periods, 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 authority from your Honorable Board to amend the IMAs to exercise the first of the County's five (5) options to renew the agreements with the nine (9) Contractors pursuant to which the Contractors will provide the Program services for a total aggregate amount not-to-exceed \$54,074, in the individual amounts set forth in the attached Schedule A, for the program period April 1, 2014 through March 31, 2015.

Authority is also requested to amend the IMAs 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 Amendment in the form of Appendix "A".

By Act No. 75 – 2014, adopted on May 5, 2014 the Board of Legislators authorized the County to enter into Inter-Municipal Agreements with County municipalities, including the Contractors, in connection with the AAA Transportation Program.

The Grant Agreement with NYSOFA does not constitute a procurement and as such, is not subject to the requirements of the Westchester County Procurement Policy. The Agreements with the Contractors are exempt pursuant to Section 3 (a) Subsection iii of the Policy.

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 other terms and conditions set forth in the IMAs shall remain in full force and effect.

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

MC/SJ

## 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") be and is hereby authorized 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 amount of \$54,074 to implement the New York State AAA Transportation Program for the program period April 1, 2014 through March 31, 2015; and be it further

**RESOLVED:** that the County is hereby authorized to exercise the first of its five (5) options to renew inter-municipal agreements (the "IMAs") with the nine (9) municipal contractors (the "Contractors") listed in the attached Schedule "A" pursuant to which the Contractors will provide group transportation services for Westchester County seniors for an aggregate amount not-to-exceed \$54,074, in the individual amounts set forth in Schedule A, for the program period April 1, 2014 through March 31, 2015; and be it further

**RESOLVED,** that the County is hereby further authorized to amend the IMAs 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.

Original Agreement: \$54,074  
 This First Amendment: \$54,074  
 Total \$108,148

Account to be  
 Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
263	85	813P	4380	T813	\$54,074
263	85	813P	9854	T813	\$54,074

Budget Funding Year(s) 2014-2015 Start Date 4/1/14 End Date 3/31/15  
 (Must match resolution)

Funding Source

\$54,074  
 (must match resolution)

Tax Dollars \_\_\_\_\_  
 State Aid \$54,074  
 Federal Aid \_\_\_\_\_  
 Other \_\_\_\_\_

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APPROVED BOARD OF ACQUISITION & CONTRACT ADMINISTRATION - JOMARY VIEIRA, SECRETARY

## SCHEDULE A

### AAA Transportation

<b>Municipality</b>	<b>State Funds</b>
Cortlandt	\$3,603.00
Eastchester	\$1,717.00
Greenburgh	\$8,550.00
Mount Pleasant	\$5,110.00
Mount Vernon	\$16,357.00
New Rochelle	\$5,854.00
Peekskill	\$1,821.00
Somers	\$6,324.00
White Plains	\$4,738.00
<b>Total</b>	<b>\$54,074.00</b>

APPROVED BOARD OF ACQUISITION & CONTRACT - 06/12/2014 - JOMAR VERA, SECRETARY