

41901

DATE: May 14, 2014

TO: Board of Acquisition & Contract

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

RE: Authority to amend an Inter-Municipal Agreement (“IMA”) with the City of Mount Vernon to:

- a. Exercise the first of the County’s five options to renew the IMA to operate nutrition site transportation and supportive services transportation programs for the elderly under Title IIIB of the Older Americans Act, to increase the aggregate amount not-to-exceed by \$8,831 for the period January 1, 2014 through December 31, 2014; and
- b. 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 and to update Recipient Characteristics and Definitions with the revised 2014 Definitions.

By resolution approved on August 08, 2013 (the “August 08th 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 an Inter-Municipal Agreement (the “IMA”) with the City of Mount Vernon (the “Contractor”) to provide nutrition site transportation and supportive services transportation programs (the “Programs”) for the elderly under Title IIIB of the Older Americans Act for a total aggregate amount not-to-exceed \$9,812, comprised of \$5,789 in Federal grant funds and \$4,023 in Contractor matching funds for the program period January 1, 2013 through December 31, 2013, with the County having the option to renew the Agreement 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 IMA was subsequently executed.

The County now seeks authority from your Honorable Board to exercise the first of its five (5) options to renew the IMA with the Contractor for the period commencing January 1, 2014 and continuing through December 31, 2014 to provide the Program services for the elderly under Title III-B of the Older Americans Act to add an amount not to exceed \$8,831 for the extended term hereof, comprised of \$5,210 in Federal funds and \$3,621 in Contractor matching funds, hereby increasing the total aggregate amount of the IMA to an amount not to exceed \$18,643.

Authority is also requested to amend the IMA 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 un-served 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”), New York 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]). The Department also seeks authority to replace the 2013 Recipient Characteristics and Definitions in Schedule “A” the original agreement with the 2014 Recipient Characteristics and Definitions for the 2014 Program year. Accordingly, these requirements and revisions will be added to the contract amendment in the form of Appendix “A” and Appendix “B” respectively.

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 Contractor, in connection with the Title IIIB Program.

Although the Agreement is 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 the Contractor uses its own buses to provide nutrition site and/or supportive services transportation, I recommend that the subject procurement qualifies as a procurement from a *non-competitive proposal* 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. The Department has conducted a cost analysis and has found that competition for the provision of these services is inadequate, therefore recommends entering into the proposed IMA.

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

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

MC/SJ/DI

RESOLUTION

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

RESOLVED, that the County of Westchester is hereby authorized to exercise the first of its five options to renew an Inter-Municipal Agreement with the City of Mount Vernon (the "Contractor") to provide nutrition site transportation and supportive services transportation programs for the elderly under Title IIIB of the Older Americans Act for the term January 1, 2013 through December 31, 2013 in an amount not to exceed \$9,812 (the "IMA") and hereby extends the IMA for the term January 1, 2014 and through December 31, 2014 to add an amount not to exceed \$8,831 for the extended term hereof, comprised of \$5,210 in Federal grant funds and \$3,621 in Contractor matching funds, thereby increasing the total aggregate amount of the IMA to an amount not to exceed \$18,643; and be it further

RESOLVED, that the County is hereby further authorized to amend the IMA to add 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 and to replace the 2013 Recipient Characteristics and Definitions in Schedule "A" of the IMA with the revised 2014 Recipient Characteristics and Definitions; and be it further

RESOLVED, that except as specifically amended hereby, all other terms and conditions of the IMA shall remain in full force and effect; 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 IMA : \$9,812
 This Amendment: 8,831
 TOTAL: \$18,643

Account to be	Fund	Dept	Major Program Program & Phase or Unit Org	Object/ Sub Object	Trust Account	Dollars
Charged	263	85	686P	4380	T-686	\$5,210
N/A	N/A	N/A	N/A	N/A	N/A	\$3,621
Budget Funding Year(s) <u>2014</u> Start Date <u>1/1/14</u> End Date <u>12/31/14</u> (must match resolution)						
Funding Source		Tax Dollars	\$ _____			
		State Aid	\$ _____			
<u>\$8,831</u>		Federal Aid	\$ 5,210			
(must match resolution)		Other	\$ 3,621			

APPROVED BOARD OF ACQUISITION & CONTRACT - 10/09/2014 - JOMARY VIEIRA, SECRETARY