

**42250**

DATE: September 9, 2014

TO: Board of Acquisition & Contract

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

RE: Request for authority to:

- a. Amend an Inter-Municipal Agreement (“IMA”) with the City of Yonkers (the “Contractor”) to exercise the first of five (5) options to renew the IMA pursuant to which the Contractor will provide Information and Assistance Services for the elderly in accordance with the Community Services for the Elderly Act Program up to an amount not-to-exceed \$55,575.00, for the program period April 1, 2014 through March 31, 2015.
- b. Amend the IMAs with the Contractor to add certain provisions required by New York State Office for the Aging (“NYSOFA”) concerning equal access to services, non-discrimination and concentration of services on target populations

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By resolution approved on August 22, 2013 (the “August 22<sup>nd</sup> Resolution”) your Honorable Board authorized the County of Westchester (the “County”), acting by and through its Department of Senior Programs and Services (the “Department”), to enter into an Inter-Municipal Agreement (the “IMA”) with the City of Yonkers (the “Contractor”) pursuant to which the Contractor would provide Information and Assistance Services to Westchester County elderly residents 60 years and older in accordance with the Community Services for the Elderly Act (the “Program”), for an amount not to exceed \$55,575.00 to be paid based on an agreed-upon unit-cost for actual services provided and data-entered in the Social Assistance Management System “SAMS”, with the Contractor contributing up to \$23,818.00 in matching funds to the Program depending on the number of units of services provided, for the program period April 1, 2013 through March 31, 2014. The August 22<sup>nd</sup> Resolution also authorized the County to renew the IMA for up to five (5) additional one-year periods, subject to the availability of funds, acceptable past performance and the prior approval of your Honorable Board, with each option utilizing all of the same pricing, annual not- to-exceed amount and other terms and conditions as the initial term. The IMA was subsequently executed.

The Department now seeks authorization to amend the IMA with the Contractor to exercise the first of the County’s five (5) options to renew the IMA to provide the Program services at the same amounts as the initial IMA for the program period April 1, 2014 through March 31, 2015.

Authority is also requested to amend the IMA with the Contractor 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]).

Pursuant to Act No. 79 - 2014 the Westchester County Board of Legislators authorized the County to enter into Inter-Municipal Agreements with local municipalities, including the Contractor for provision of CSE services.

The above Agreement is exempt from the Westchester County Procurement Policy pursuant to Sections 3(a) (iii) and 3(a) (xix), thereof. However, it is subject to the Federal Common Grant Rules. As such, on April 25, 2013, the Department issued a Request for Proposals ("RFP") with a due date of May 16, 2013. The Contractor was the only agency that responded to the request, but was selected because its proposal satisfactorily met all requirements. The Department now recommends that the County renew the IMA because the Contractor has successfully provided the Program services for the previous contract period.

Except as specifically amended, all terms and conditions of the initial IMA will remain in full force and effect.

Accordingly, I recommend adoption of the proposed resolution.

MC/SJ

## RESOLUTION

UPON A 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 renew an Inter-Municipal Agreement (the "IMA") with the City of Yonkers (the "Contractor"), pursuant to which the Contractor will provide Information and Assistance Services to Westchester County elderly residents, 60 years and older in accordance with the Community Services for the Elderly Act Program (the "Program"), for an amount not to exceed \$55,575.00, for the program period April 1, 2014 through March 31, 2015. Payment will be made on a reimbursement basis based on an agreed-upon unit-cost for actual services provided and data-entered in the Social Assistance Management System "SAMS"); and be it further
- RESOLVED**, that in addition, the Contractor will contribute up to \$23,818.00 in matching funds depending on the number of units of services provided; and be it further
- RESOLVED**, that the IMA shall be amended 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 as described more specifically in Exhibit "A" attached hereto; and be it further
- RESOLVED**, that the IMA shall be further amended to delete in its entirety the "2013 Recipient Characteristics Definitions contained in Schedule "A" attached to the IMA and replaced with the 2014 Recipient Characteristics Definitions as defined in Exhibit "B" attached hereto; and be it further
- RESOLVED**, that except as specifically amended herein all 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 Agreement: \$55,575.00  
 First Amendment: \$55,575.00  
 TOTAL: \$111,150.00

Account to be  
 Charged/Credited

	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
Charged	263	85	047P	4380	T-047	\$55,575.00

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

Funding Source Tax Dollars \_\_\_\_\_  
 State Aid \$55,575.00  
\$55,575.00 Federal Aid \_\_\_\_\_  
 (must match resolution) Other \_\_\_\_\_

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

## EXHIBIT "A"

### STANDARD TERMS AND CONDITIONS FOR AGING PROGRAMS AND SERVICE CONTRACTS

1) Statutes, Regulations, and Policies: The Contractor agrees that all its activities under this Contract shall conform with all applicable Federal, State, and Local laws, and with Federal and State regulations, and program standards and Program Instructions of the New York State Office for the Aging ("NYSOFA") that apply to such activities, including, but not limited to:

Rehabilitation Act of 1973, Sec. 504 (29 U.S.C. 794, Nondiscrimination)  
Americans with Disabilities Act of 1990 (42 U.S.C. 12101, et seq.; see 92-PI-32, [8/4/92])  
Civil Rights Act of 1964, Title VI, as amended (42 U.S.C. 2000-d et. seq.)  
Older Americans Act  
Executive Order 13166 (Improving Access to Services for Persons with Limited English Proficiency)  
Federal Executive Order 11246, as Amended by Executive Order 11375 (Affirmative Action); as Amended by Executive Order 12086 (Consolidation of Compliance Functions); and as Amended by Executive Order 13279 (Equal Protection for Faith-Based and Community Organizations.)  
Executive Law, Article 15 (State Human Rights Law Prohibiting Discrimination Based on Race, Color, Creed, National Origin, Sex, Age, Disability, Sexual Orientation and Other Factors)  
Equal Access to Services and Targeting Policy (12-PI-08)  
Elder Law

2) Targeting: The Contractor, to the extent it has discretion regarding to whom it will provide services, agrees to provide services to those unserved and underserved older adults in greatest social or economic need, particularly those who are low-income, low-income minorities, older adults with limited English proficiency, Native Americans, and frail/persons with disabilities and older adults residing in rural areas, in accordance with their need for such services, and to meet specific objectives established by the Area Agencies on Aging ("AAA") for providing services to the above groups within the Planning and Service Area. The Contractor agrees to concentrate the services on older adults in the targeted populations identified by the AAA following the methods the AAA has established for complying with the targeting requirements under the Older Americans Act and the Equal Access and Targeting Policy issued by the New York State Office for the Aging.

3) Language Access: The Contractor shall inform persons with limited English proficiency ("LEP") of the availability of language assistance, free of charge, by providing written notice of such assistance in a manner designed to be understandable by LEP persons at service locations and, at a minimum, have a telephonic interpretation service contract or similar community arrangement with a language interpretation services provider of their choice. The Contractor shall train staff that have contact with the public in the timely and appropriate use of these and other available language services.

4) Conformance with AAA Area Plan: To the extent that the contract with the AAA is for a program or service funded under the Area Plan, the Contractor agrees that it and any subcontractors will perform such work in accordance with the terms of the Area Plan. The AAA agrees to make the Area Plan available to the Contractor.

5) The Contractor agrees that for programs established and funded in whole or in part pursuant to Title III of the Older Americans Act, the Contractor shall: specify how it intends to satisfy the service needs of low-income minority individuals, older adults with limited English proficiency, and older adults residing in rural areas in the area served by it; to the maximum extent feasible, provide services to low-income minority individuals, older individuals with limited English proficiency, and older adults residing in rural areas in accordance with their need for such services; and meet specific objectives established by the AAA, for providing services to low-income minority individuals, older adults with limited English proficiency, and older adults residing in rural areas within the planning and service area.

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(Name of Municipality)

APPROVED BOARD OF ACQUISITION'S CONTRACT - 10/09/2014 - JOMARY VENTURA SECRETARY

**EXHIBIT "B"**

**WESTCHESTER COUNTY DEPARTMENT OF SENIOR PROGRAMS AND SERVICES  
2014 PROGRAM YEAR**

**RECIPIENT CHARACTERISTIC DEFINITIONS**

1. **DISABLED:** "Any person who has a physical or mental impairment, which substantially limits one or more major life activities, has a record of such impairment or is regarded as having such impairment. This includes alcoholism and drug addiction."
2. **LOW INCOME:** "Any person whose income is at 150% of current poverty income guideline."
3. **POVERTY INCOME GUIDELINES:** Listed below are the 2014 Poverty Income Guidelines for your information.

SIZE OF FAMILY	POVERTY INCOME GUIDELINES	
	100%	150%
1	\$ 11,670	\$ 17,505
2	15,730	23,595
3	19,790	29,685
4	23,850	35,775

For each additional family member at 100%, add \$4,060

For each additional family member at 150%, add \$6,090.

(Source: Update of the HHS Poverty Guidelines --NY State Department of Health and Human Services, Federal Register/ Vol. 79, No.14/Wednesday, January 22, 2014)

4. **AT RISK:** "Those 60+ individuals who are at greatest risk of institutionalization and/or who indicate the greatest social or economic need."
5. **FRAIL:** "Generally refers to those elderly persons 75 or older."
6. **LIVE ALONE:** "Anyone who does not have other persons living in their household."
7. **VETERANS:** "Any person who has served in the armed forces."