

44557

DATE: February 2, 2015

TO: Board of Acquisition & Contract

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

RE: Request for authority to enter into an agreement with Family Service Society of Yonkers to provide Guardianship Services for incapacitated individuals 60 years and older residing in Westchester County under Title IIIB of the Older Americans Act, and under Article 81 of the New York State Mental Hygiene Law, for an amount not-to-exceed \$45,000 in County tax dollars, for the program period January 1, 2015 through December 31, 2015.

The County of Westchester, acting by and through its Department of Senior Programs and Services (the "Department"), seeks authority from your Honorable Board to enter into an agreement (the "Agreement") with Family Service Society of Yonkers ("FSSY") also (the "Contractor"), to provide Guardianship Services for incapacitated individuals 60 years and older residing in Westchester County (the "Program") under Title IIIB of the Older Americans Act, and under Article 81 of the New York State Mental Hygiene Law, for an amount not-to-exceed \$45,000 in County tax dollars, payable at the agreed upon unit-cost for actual services provided and entered in the New York State Office for the Aging's ("NYSOFA's") Social Assistance Management System ("SAMS") for the program period January 1, 2015 through December 31, 2015. The County at its sole option may enter into to three (3) additional successive one (1) year periods after the initial Agreement. Any successive agreement shall be on the same terms and conditions as the initial Agreement, provided, however, that the unit-cost may be adjusted upward, at the sole option of the County and subject to the availability of funds, in order to account for cost of living increases, and subject to the prior approval of your Honorable Board.

The Agreement will serve a public purpose by providing supportive services that optimally maintain the physical, mental, and economic well being of Westchester County seniors to facilitate them living in the community for as long as possible in order to avoid premature institutionalization.

The goals and objectives of the Agreement are to provide seniors throughout Westchester County with care management services including Care Planning that creates a menu of services and funds, when necessary and available, to help them afford and be linked to services such as home care, respite care using respite in their home or at social model day care programs. These goals and objectives are in the County's best interests in terms of fiscal responsibility and public health, as these services enable seniors to remain safely in their homes and communities among friends and family and to maintain a cost-effective lifestyle. The goal of the Title III-B programs are to reduce or delay nursing home institutionalization, thereby reducing Medicaid costs for the County, State and Federal governments and improving the general well-being of the County's elderly.

The services will be tracked, monitored and evaluated through monthly reporting activities and annual on-site reviews to determine if the contract performance goals and objectives are being

met in a fiscally responsible and appropriately safe fashion. The New York State Office for the Aging annually monitors and evaluates whether the Department is meeting its requirements to conduct proper oversight.

Although the proposed agreement is exempt from application of the Westchester County Procurement Policy and Procedures pursuant to Section 3(a) (ix), thereof, it is subject to the Federal Common Grant Rules. As such, on October 15, 2014, the Department issued a Request for Proposals ("RFP") to solicit price proposals from qualified agencies to provide the Program services. The Proposal due date was November 11, 2014. It should be noted that the RFP was later amended and issued on October 27, 2014. In an effort to solicit as many proposers as possible, the Department posted the RFP on the County's website; distributed a press release regarding the RFP; placed notices in the Journal News on October 12, 2014, the New York Times on October 19, 2014, and sent e-mails to the Aging Network Providers announcing the posting of the RFP. The Aging Network Providers were also asked to share the information with their contacts. Despite these efforts, only one proposal was received in response to the RFP. This proposal was submitted by Family Service Society of Yonkers ("FSSY"). Consequently, pursuant to the Federal Common Grant Rules CFR 92.36 (f) that require a cost analysis to be conducted to test the market when adequate competition is lacking or for sole source procurements, the Department solicited price quotations for the Program services. Based on the cost analysis, the current FSSY's rate is the lowest rate quoted for the agencies that can provide the Program service in Westchester County.

Therefore, following a careful review of the proposal with reference to the evaluation criteria set forth in the RFP, it was determined that FSSY's proposal maximizes services in accordance with the budgeted amount. Furthermore the cost analysis conducted by the Department identified FSSY as having the lesser rate of the other service providers. As a result, the Department believes that it would be in the best interest of the County for your Honorable Board to award this contract to FSSY because, in addition to the reasons aforementioned, FSSY has performed well in providing Guardianship services over the past year.

Accordingly, I most respectfully recommend adoption of the attached proposed 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") is hereby authorized to enter into an agreement (the "Agreement") with Family Service Society of Yonkers (the "Contractor"), to provide Guardianship Services for incapacitated individuals 60 years and older residing in Westchester County under Title IIIB of the Older Americans Act, and under Article 81 of the New York State Mental Hygiene Law, for an amount not-to-exceed \$45,000 in County tax dollars, payable at the agreed upon unit cost for actual services provided and entered in the New York State Office for the Aging's ("NYSOFA's") Social Assistance Management System ("SAMS") for the program period January 1, 2015 through December 31, 2015; and be it further

RESOLVED, that the County, at its sole option, may renew the Agreement for up to three (3) additional successive one-year periods, on the same terms and conditions as the initial Agreement, provided, however, that the unit-cost may be adjusted upward, at the sole option of the County and subject to the availability of funds, in order to account for cost of living increases, subject to the prior approval of your Honorable Board; and be it further

RESOLVED, that the Agreement with the Contractor is also subject to County Appropriations; and be it further

RESOLVED, that the Agreement with the Contractor is also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of these Agreements. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoptions(s), to conduct an analysis of the impacts of such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Contractor, then the Contractor shall have the right to terminate the Agreement upon reasonable prior written notice; 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 or Org	Object/ Sub Object	Trust Account	Dollars
Charged	263	85	686Q	4380	T686	\$45,000
Budget Funding Year(s) (must match resolution) <u>2015</u> Start Date <u>1/1/15</u> End Date <u>12/31/15</u>						
Funding Source Tax Dollars <u>\$ 45,000</u> State Aid <u>\$ 0</u> <u>\$45,000</u> Federal Aid <u>\$ 0</u> (must match resolution) Other <u>\$ 0</u>						

APPROVED BOARD OF ACQUISITION & CONTRACTS 02/26/2015 - JOMARY VEIRA, SECRETARY