

51149

DATE: February 10, 2016

TO: Board of Acquisition & Contract

FROM: Mae Carpenter, Commissioner
Department of Senior Programs and 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 an amount not to exceed \$1,294,304, comprised of \$1,040,546 in State funds for the Wellness in Nutrition Program ("WIN") and \$253,758 in Federal funds for the Nutritional Services Incentive Program ("NSIP") to provide nutrition services to the elderly under the Older Americans Act, for the program period April 1, 2016 through March 31, 2017; and
- b) enter into inter-municipal agreements with the fourteen (14) municipalities set forth in the attached Schedule "A" to administer nutrition services, including congregate and home-delivered meal programs, outreach, nutrition education and nutrition counseling, to the elderly under the WIN and the NSIP programs, for a total aggregate amount not-to-exceed \$1,052,981, comprised of \$799,223 in State funds and \$253,758 in Federal funds, in the individual not-to-exceed amounts set forth in the attached Schedule "A", for the program period April 1, 2016 through March 31, 2017.

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 New York State Office for the Aging ("NYSOFA") to accept a grant for an amount not to exceed \$1,294,304, comprised of \$1,040,546 in State funds for the WIN program (formerly known as the Supplemental Nutrition Assistance Program ("SNAP")) and \$253,758 in Federal funds for the NSIP program, to provide nutrition services to the elderly under the Older Americans Act, for the program period April 1, 2016 through March 31, 2017.

Additionally, the County, acting by and through the Department, also seeks authority to enter into inter-municipal agreements ("IMAs") with the fourteen (14) municipalities (or "Contractors") set forth in the attached Schedule "A", for the purpose of administering the aforementioned nutrition services, including congregate and home-delivered meal programs, outreach, nutrition

education and nutrition counseling, for the elderly (the "Programs") for a total aggregate amount not-to-exceed \$1,052,981, comprised of \$799,223 in State funds and \$253,758 in Federal funds, in the individual amounts set forth in Schedule "A".

The remaining \$241,323 in State funds will be used directly by the Department to provide nutrition counseling, nutrition education, service delivery activities as well as Area Agency Administration.

With regard to the distribution of NSIP funding, the agreements with the fourteen (14) Contractors listed in Schedule "A" will provide that the Department will be authorized to distribute such funding 1) contingent upon its receiving further State approval; and 2) by providing the Contractors with written confirmation that the State has authorized the distribution of such funds, without the need for the Contractor to execute a supplemental agreement. This practice was approved by your Honorable Board in 2010 to avoid the administrative difficulties involved in distributing NSIP funds prior to the State-imposed deadline.

It should be noted that the Westchester County Board of Legislators, by Act No. 78 - 2014, authorized the County to enter into IMAs with municipalities in Westchester County to provide nutrition assistance to the elderly.

The NYSOFA Agreement is exempt from the County Procurement Policy pursuant to Section 3(a)iii thereof. The IMAs are partially federally funded and as such are subject to the Federal Common Grant Rules, however, the Department previously determined that because of the nature and extent of the services being provided by each Contractor, the services provided under each Agreement are only available from those single sources. Accordingly, the Department procured each agreement on a non-competitive basis pursuant to the regulations then contained 45 CFR 92.36(d)(4). The Department has determined that, given the nature and extent of the services, the services being provided by each Contractor under each Agreement are still only available from those single sources. Therefore, it is not possible for the Department, for example, to inquire as to prices for these services in the open market as part of its price analysis. Rather, the Department has reviewed the terms of each option and determined that the prices contained in the options are reasonable based upon the services being provided.

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.

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:

RESOLVED, that the County of Westchester (the "County") is hereby authorized to enter into an agreement with the New York State Office for the Aging ("NYSOFA") to accept a grant for an amount not to exceed \$1,294,304, comprised of \$1,040,546 in State funds for the Wellness in Nutrition Program ("WIN") formerly known as the Supplemental Nutrition Assistance Program ("SNAP") and \$253,758 in Federal funds for the Nutritional Services Incentive Program ("NSIP") to provide nutrition services to the elderly under the Older Americans Act, for the program period April 1, 2016 through March 31, 2017; and be it further

RESOLVED, that the County is hereby further authorized to enter into inter-municipal Agreements (the "IMAs") with the fourteen (14) municipalities (the "Contractors") listed in the attached Schedule "A" to administer nutrition programs for the elderly under WIN and NSIP (the "Programs"), in the individual amounts set forth in the attached Schedule "A", for a total aggregate amount not-to-exceed \$1,052,981, comprised of \$799,223.00 in State funds and \$253,758 in Federal funds to be paid pursuant to an approved budget, for the program period April 1, 2016 through March 31, 2017; and be it further

RESOLVED, that with regard to the distribution of NSIP funding, the IMAs with the Contractors shall provide that the Department will be authorized to distribute such funding 1) contingent upon its receiving State approval; and 2) by providing the Contractors with written confirmation that the State has authorized the distribution of such funds, without the need for the Contractors to execute a supplemental agreement; and be it further

RESOLVED, that the IMAs are subject to County Appropriations; and be it further

RESOLVED, that the IMAs are also subject to the further financial analysis of the impact of Any New York State Budget (the "State Budget") proposed and adopted during the term of this Agreement. 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 adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate the IMAs, or any individual IMA, or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to any or all of the fourteen (14) municipalities/Contractors listed in Schedule "A", then each municipality/subcontractor receiving such an offer shall have the right to terminate its IMA 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 Credited/Charged	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
Credited	263	85	928R	9854	T928	\$1,040,546.00
Credited	263	85	939Q	9853	T939	\$253,758.00
Charged	263	85	928R	4380	T928	\$799,223.00
Charged	263	85	939Q	4380	T939	\$253,758.00

Budget Funding Year(s) Unit 928Q 2016 - 2017 Start Date 4/1/16 End Date 3/31/17
 (must match resolution)

Unit 939P 2015 - 2016 Start Date 10/1/15 End Date 9/30/16

Funding Source Tax Dollars _____

State Aid \$1,040,546.00

\$1,294,304.00 Federal Aid \$253,758.00

(must match resolution)

APPROVED BOARD OF ACQUISITION & CONTRACT - 03/17/2016 - LISA MARIJAJ, SECRETARY

SCHEDULE "A"

<u>MUNICIPALITY</u>	STATE FUNDS	FEDERAL FUNDS (NSIP)	TOTAL
	<u>NOT-TO-EXCEED</u>	<u>NOT-TO-EXCEED</u>	<u>NOT-TO-EXCEED</u>
Cortlandt	\$5,696	\$1,846	\$7,542.00
Eastchester	\$37,914	\$12,280	\$50,194.00
Greenburgh	\$96,443	\$31,234	\$127,677.00
Mamaroneck	\$6,225	\$2,017	\$8,242.00
Mount Kisco	\$8,495	\$2,751	\$11,246.00
Mount Pleasant	\$56,829	\$18,405	\$75,234.00
Mount Vernon	\$91,905	\$29,764	\$121,669.00
New Castle	\$17,260	\$5,590	\$22,850.00
Ossining	\$38,633	\$12,512	\$51,145.00
Peekskill	\$70,577	\$22,857	\$93,434.00
Port Chester	\$51,102	\$16,551	\$67,653.00
Somers	\$74,915	\$24,262	\$99,177.00
Yonkers	\$233,872	\$70,658	\$304,530.00
Yorktown	<u>\$9,357</u>	<u>3,031</u>	<u>\$12,388.00</u>
Total	\$799,223.00	\$253,758.00	\$1,052,981.00

APPROVED BOARD OF ACQUISITION & CONTRACTS 03/17/2016 - LILY MARIJAJ, SECRETARY