

61093

DATE: January 19, 2018

TO: Board of Acquisition and Contract

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

RE: Request for authorization for the County of Westchester to amend an agreement in order to exercise an option to enter into its third successive one-year agreement with Legal Services of the Hudson Valley to provide Legal Assistance Services to Westchester County residents, 60 and over under Title III-B of the Older Americans Act, in an amount not to exceed \$324,612.00, comprised of \$123,404.00 in Federal funds, and \$201,208.00 in County matching funds, for the program period January 1, 2018 and continuing through December 31, 2018

By resolution approved on February 19, 2015 (the "February 19th Resolution"), your Honorable Board authorized the County of Westchester (the "County"), acting by and through its Department of Senior Programs & Services (the "Department"), to enter into an agreement (the "Agreement") with the Legal Services of the Hudson Valley (the "Contractor"), to provide Legal Assistance Services for Westchester County residents 60 and over under Title III-B of the Older Americans Act (the "Program") for the Program period commencing on January 1, 2015 through December 31, 2015, in an amount not to exceed \$324,612.00, comprised of \$123,404 in Federal funds, and \$201,208.00 in County matching funds, payable pursuant to an agreed upon unit cost for actual services provided and data entered in NYSOFA's Social Assistance Management System ("SAMS"). The February 19th Resolution also stipulated that the County at its sole option could enter into three (3) additional successive one-year Agreements, on the same terms and conditions as the initial term, provided, however, that the unit-cost could be adjusted upward in order to account for cost of living increases, at the sole option of the County, subject to the availability of funds, acceptable past performance, and the prior approval of your Honorable Board. The Initial Agreement was subsequently executed.

Thereafter, by resolution approved on May 5, 2016 (the "May 5th Resolution"), your Honorable Board authorized the County *inter alia* to exercise the first of its three (3) options to enter into a successive one-year Agreement with the Contractor to provide the Program at the same funding amounts for the period commencing on January 1, 2016 and terminating on December 31, 2016 (the "First Successive Agreement"). The First Successive Agreement was subsequently executed.

Thereafter, by resolution approved on March 9, 2017 (the "March 9th Resolution"), your Honorable Board authorized the County to exercise the second of its three (3) options to enter into a successive one-year Agreement with the Contractor to provide the Program at the same funding amounts for the period commencing on January 1, 2017 and terminating on December 31, 2017 (the "Second Successive Agreement"). The Second Successive Agreement was subsequently executed.

The County now seeks the authority of your Honorable Board to amend the agreement in order to exercise its third option to enter into a successive one-year Agreement with the Contractor for provision of the Program, for the period commencing on January 1, 2018 through December 31, 2018 (the "Third Successive Agreement").

Since this contract is paid for with funds subject to the Federal Common Grant Rules, 45 CFR 92.36 (f) that requires grantees to perform a price or cost analysis in order to test the market before such an option may be exercised, the Department performed a price analysis prior to making its recommendation to renew the Agreement for the 2018 program year. The Department obtained four (4) hourly quotes for legal assistance in order to complete the price analysis. The quotes were provided by Amoruso & Amoruso, LLP; Hyman & Gilbert; Littman Krooks, LLP; and Keane & Beane, P.C. Based on the price analysis, the cost per hour for the Contractor was less than the rate quotes of the other legal service providers.

Therefore, it is the Department's recommendation to enter into an agreement with the Contractor to provide the Program. It should also be noted that the Contractor has successfully implemented the Program through prior agreements with the County.

In 2017, Legal Services of the Hudson Valley served 558 seniors and provided 4,407 hours of legal assistance.

Except as specifically provided hereunder, all remaining terms and conditions of the Agreement shall remain in full force and effect.

Accordingly, your favorable action on the attached Resolution is most respectfully requested.

MC/SJ

RESOLUTION

UPON A COMMUNICATION FROM MAE CARPENTER, COMMISSIONER,
WESTCHESTER COUNTY DEPARTMENT OF SENIOR PROGRAMS AND SERVICES,
BE IT HEREBY:

RESOLVED, that the County of Westchester (the "County") is authorized to amend an agreement in order to exercise the third of its three (3) options under the agreement to enter into a successive one-year agreement with Legal Services of the Hudson Valley (the "Contractor"), to provide Legal Assistance Services to Westchester County residents, 60 and over under Title III-B of the Older Americans Act (the "Program"), for an amount not to exceed \$324,612, comprised of \$123,404 in Federal funds and \$201,208 in County matching funds to be paid pursuant to an agreed upon unit cost for actual services provided and data entered in NYSOFA's Client Statewide Data System ("PeerPlace"), commencing on January 1, 2018 and continuing through December 31, 2018 agreement (the "Third Successive Agreement"); and be it further

RESOLVED, that except as specifically amended hereby, all remaining terms and conditions of the initial Agreement and subsequent amendments shall remain the same; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized to take such action and execute such documents as may be necessary and proper to effect the purposes hereof.

Agreement: \$324,612
 First Successive Agmt: \$324,612
 Second Successive Agmt: \$324,612
 Third Successive Agmt: \$324,612
 Total: \$1,298,448

Account to be charged	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	263	85	686T	4380	T-686	\$324,612

Budget Funding Years 2018 Start Date 1/1/18 End Date 12/31/18

(must match resolution)

Funding Source

Tax Dollars \$201,208

State Aid \$0 _____

\$324,612

(must match resolution)

Federal Aid \$123,404

Other \$0 _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 02/22/2018 LISA MARIJAJ, SECRETARY