



George Latimer
County Executive

Department of Social Services

Kevin M. McGuire
Commissioner

62771

DATE: April 9, 2018

TO: Board of Acquisition and Contract

FROM: Kevin M. McGuire
Commissioner, Department of Social Services

SUBJECT: Authority for the County of Westchester to amend an agreement with Public Consulting Group, Inc., pursuant to which it was to provide the County with Social Security eligibility services for certain persons, by extending its term by one (1) year, to a new termination date of March 31, 2019

Based on authority from resolutions approved by your Honorable Board on July 7, 2011; June 21, 2012; June 20, 2013; July 3, 2014; June 25, 2015; and February 4, 2016, the County of Westchester (the "County") had an agreement with Public Consulting Group, Inc. ("PCG"), pursuant to which PCG provided the County with Social Security eligibility services for Aid to Families with Dependent Children – Foster Care ("AFDC-FC") cases as well as for Temporary Assistance for Needy Families ("TANF") and Safety Net Assistance ("SNA") cases, for a term commencing on July 1, 2011 and continuing through March 31, 2016, for an amount not-to-exceed \$1,690,000.00, payable pursuant to an approved budget (the "Original Agreement").

By a resolution approved on November 3, 2016 (the "11/3/16 Resolution"), your Honorable Board authorized the County to, among other things, amend the Original Agreement by extending its term by 24 months, to a new termination date of March 31, 2018, solely in order to facilitate payments to PCG of amounts earned for its previous work (the "2016 Amendment").

Under the approved budget in the Original Agreement, as amended by the 2016 Amendment, (the "Amended Agreement"), PCG was to be paid a specific amount for each of various types of actions taken by, and outcomes achieved by, PCG. Among the actions and outcomes specified in the Amended Agreement's approved budget, were amounts to be paid to PCG "for each medically favorable SSI decision" regarding persons receiving AFDC-FC and "for each medically favorable SSI/SSDI decision" regarding persons receiving TANF or SNA.

Accordingly, the total amount to be paid to PCG for its previous work would not be known until the final resolution of each Supplemental Security Income (“SSI”) and Social Security Disability Insurance (“SSDI”) matter, including the final resolution of appeals made of denials.

In previous years, for applications for SSI and SSDI, it would take an average of 16 months after an initial decision from the Social Security Administration (the “SSA”) for the final resolution of appeals made of denials. Therefore, it was the belief of the County that it would be all but impossible for any matters handled by PCG to remain outstanding beyond March 31, 2018. Accordingly, in the 11/3/16 Resolution, the County only requested authority from your Honorable Board to extend the term of the Original Agreement by 24 months, to a new termination date of March 31, 2018, and explained that “DSS is confident all initial decisions and the final resolution of all appeals of denials will be provided by the Social Administration” by that extended termination date.

However, PCG has advised the County that the SSA has gotten further and further behind in its work to achieve final resolution of appeals made of denials for SSI and SSDI matters. PCG has advised the County that, instead of averaging 16 months for that final work, the SSA is now averaging 28 months. PCG has advised the County that, as a result, there are still five (5) matters outstanding that were handled by PCG prior to the end of its eligibility work for new individuals under the Amended Agreement. For those five (5) matters, hearings were filed-for between August and December of 2015, but the hearings were only finally held between September and December of 2017, and each is still awaiting a decision.

Until final decisions are made, through the SSA’s process, for those five (5) matters, the County cannot determine what final, additional compensation, if any, is owed to PCG under the Amended Agreement.

Therefore, in order to facilitate any payments to PCG to which it may ultimately be entitled, authority is respectfully requested from your Honorable Board for the County to extend the term of the Amended Agreement by one (1) year, to a new termination date of March 31, 2019, to cover the possible period during which payments to PCG may need to be made (the “2018 Amendment”). Under the 2018 Amendment, it would be made clear, however, that the term of the Amended Agreement is being extended solely to facilitate payments to PCG of amounts earned for previous work, and that no new work shall be undertaken by PCG during the extended term.

Except as described above, all terms and conditions of the Amended Agreement shall remain in full force and effect.

The proposed 2018 Amendment will serve a public purpose by ensuring that PCG is paid the amounts to which it is entitled, under the terms of the Amended Agreement, for providing services regarding the establishment and maintenance of benefits for AFDC-FC customers as well as for TANF and SNA customers.

The goal and objective of the proposed 2018 Amendment is to ensure that PCG is paid the amounts to which it is entitled, under the terms of the Amended Agreement, for providing

services regarding the establishment and maintenance of benefits for AFDC-FC customers as well as for TANF and SNA customers.

The goal and objective of the proposed 2018 Amendment is in the best interests of the County in terms of fiscal responsibility, as it will ensure that PCG is paid the amounts to which it is entitled, under the terms of the Amended Agreement, for assisting customers in securing benefits to which they are entitled, which thereby lead to case closures for DSS and a related savings in terms of County resources expended in assisting such individuals.

The goal and objective of the proposed 2018 Amendment will be tracked and monitored by the staff of DSS.

The proposed 2018 Amendment does not constitute procurement, as there will be no work performed by PCG during the proposed extended term of the Agreement; the proposed amendment will simply ensure that PCG is paid the amounts it earned for previous work, under the terms of the Amended Agreement.

I respectfully recommend the adoption of the attached Resolution.

KMM/KK/bdm/nn

APPROVED BOARD OF ACQUISITION & CONTRACTS 05/17/2018 - LISMAN, PAJ SECRETARY

RESOLUTION

Upon a communication from the Commissioner of the Department of Social Services, be it hereby

RESOLVED, that the County of Westchester (the “County”) is hereby authorized to amend an agreement with Public Consulting Group, Inc. (“PCG”), pursuant to which PCG provided the County with Social Security eligibility services for ‘Aid to Families with Dependent Children – Foster Care’ cases as well as for ‘Temporary Assistance for Needy Families’ and ‘Safety Net Assistance’ cases, for a term commencing on July 1, 2011 and continuing through March 31, 2018, for an amount not-to-exceed \$2,046,000.00, payable pursuant to an approved budget, (the “Agreement”) by, 1.) extending its term by one (1) year, to a new termination date of March 31, 2019, and 2.) specifying that its term is being extended solely to facilitate payments to PCG of amounts earned for previous work, and that no new work shall be undertaken by PCG during the extended term; and be it further

RESOLVED, that except as specifically amended hereby, all terms and conditions of the Agreement shall remain in full force and effect; and be it further

RESOLVED, that the County Executive or his duly authorized designee is empowered to execute all documents and take all actions necessary to effect the purpose of this resolution.

Account to be Charged/Credited

Year	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
N/A	N/A	N/A	N/A	N/A	N/A	N/A

Budget Funding Year(s): N/A
(must match resolution)

Start Date: 04/01/18

End Date: 03/31/19

Funding Source

Tax Dollars: N/A

State Aid: N/A

N/A
(must match resolution)

Federal Aid: N/A

Other: N/A