

George Latimer
County Executive

Department of Social Services

Kevin M. McGuire
Commissioner

66516

DATE: December 6, 2018

TO: Board of Acquisition and Contract

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

SUBJECT: Authority to amend an Agreement with Premier Home Health Care Services, Inc. for the provision of Personal Care Aide Services Level II (“PCA Level II”) for two children with special needs by increasing the not-to-exceed amount by an additional \$34,259, payable pursuant to an approved budget.

By resolution approved on October 27, 2016, your Honorable Board authorized the County of Westchester (the “County”), acting by and through its Department of Social Services (the “Department”), to enter into an agreement with Premier Home Health Care Services, Inc. (“Premier”), pursuant to which Premier would provide one-on-one PCA Level II services for two children with special needs on a 24 hour, seven day per week basis (the “Services”) for a term commencing retroactive to May 16, 2016 and continuing through May 15, 2017 for an amount not-to-exceed \$402,104, payable pursuant to an approved budget (the “Agreement”). The Agreement was subsequently executed.

Thereafter, by resolution approved on June 8, 2017 (the “June 8th Resolution”), your Honorable Board authorized the County to amend the Agreement with Premier in order to extend the term thereof for an additional one (1) year period commencing on May 16, 2017 and continuing through May 15, 2018 (the “First Extension Period”) for an additional amount not-to-exceed \$480,000, payable pursuant to an approved budget (the “First Amendment”). Following approval of the June 8th Resolution but before execution of the First Amendment, Premier determined that it could provide the Services during the First Extension Period for an amount not-to-exceed \$395,943. The First Amendment was subsequently executed.

Thereafter, by resolution approved on August 16, 2018, your Honorable Board authorized the County to further amend the Agreement with Premier in order to extend the term thereof for an additional three (3) months commencing on May 16, 2018 and continuing through August 15, 2018 for an additional amount not-to-exceed \$94,696, payable pursuant to an approved budget (the “Second Amendment”). The Second Amendment was subsequently executed.

The County's contract with Premier expired on August 15, 2018. However, due to the special nature of care the boys were receiving, the final program costs exceeded the total amount budgeted under the Agreement by \$34,258.81. In order for the County to be able to remit payment for the outstanding invoices, it will be necessary to further amend the Agreement in order to increase the not-to-exceed cap by \$34,259. Accordingly, authority is respectfully requested to amend the Agreement with Premier for the provision of PCA Level II for two children with special needs, by increasing the not-to-exceed amount thereunder by an additional \$34,259, from an amount not-to-exceed \$892,743, to a new total aggregate amount not-to-exceed \$927,002.

This procurement is exempt from the County Procurement Policy pursuant to section 3(a)viii thereof, which exempts contracts for medical or health related services. The amendment is also exempt under the Federal Common Grant Rules pursuant to 45 CFR 92.36 (d) (4) (i) (B), which provides an exemption for "exigent circumstances".

Except as otherwise specifically amended hereby, all other terms and conditions of the Agreement shall remain in full force and effect.

The public purpose of this Agreement is to ensure that the children's physical needs are met and that they are able to be safely maintained at the residential facility. The child welfare goal is to reunite the children, when safely possible, with their family.

The goals and objectives will be tracked and monitored by Department staff.

An appropriate resolution is herewith attached for your Honorable Board's consideration.

KMM/PE/SP/jpg

Attachment

RESOLUTION

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

RESOLVED, that the County of Westchester (“County”), acting by and through its Department of Social Services (the “Department”), is authorized to further amend an agreement with Premier Home Health Care Services, Inc. (“Premier”), as previously amended, pursuant to which Premier agreed to provide one-on-one Personal Care Aide Services Level II on a 24 hour, seven day per week basis, for two children with special needs for a term commencing retroactive to May 16, 2016 and continuing through August 15, 2018 in an amount not-to-exceed \$892,743, payable pursuant to an approved budget (the “Agreement”), by increasing the not-to-exceed amount thereunder by an additional \$34,259, from an amount not-to-exceed \$892,743 to a new aggregate total amount not-to-exceed \$927,002, in order to have sufficient funds available to compensate Premier for outstanding invoices; and be it further

RESOLVED, that except as otherwise specifically amended hereby, all other 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.

Original Contract Amount: \$402,104
 First Extension: \$395,943
 Second Extension: \$94,696
This Extension: \$34,259
 Total \$927,002

Account to be
 Charged/Credited

	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
2018	101	22	8900	5650	-----	\$34,259

Budget Funding Year(s): 2018 Start Date: N/A End Date: N/A

(must match resolution)

Funding Source Tax Dollars: 0%
 State Aid: 50%

\$34,259
(must match resolution)

Federal Aid: 50%
Other:

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/13/2018 - LISA MRIJAJ, SECRETARY