



George Latimer
County Executive

Department of Social Services

Kevin M. McGuire
Commissioner

66561

DATE: November 30, 2018

TO: Board of Acquisition and Contract

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

SUBJECT: Authority to enter into an agreement with Diamond, Kerbis CPA's, P.C., pursuant to which it will provide audit services to audit entities that provide and propose to provide personal care services and/or consumer directed personal care services to recipients of Medicaid, for the period from January 1, 2019 through December 31, 2023, for an amount not-to-exceed \$1,999,408.00.

Authority is requested for the County of Westchester (the "County") to enter into an agreement (the "Agreement") with Diamond, Kerbis CPA's, P.C. ("Diamond Kerbis"), pursuant to which Diamond Kerbis will provide audit services to audit entities ("Vendors") that provide and propose to provide personal care services and/or consumer directed personal care services ("PCS and/or CDPAP Services") to recipients of Medicaid (the "Audit Services"), for the period from January 1, 2019 through December 31, 2023, for an amount not-to-exceed \$1,999,408.00, payable pursuant to an approved budget, which will specify the following annual not-to-exceed amounts for the Audit Services:

Grand Total for Audit Services During 2019: \$419,711.00
Grand Total for Audit Services During 2020: \$419,711.00
Grand Total for Audit Services During 2021: \$395,310.00
Grand Total for Audit Services During 2022: \$382,338.00
Grand Total for Audit Services During 2023: \$382,338.00

Under Part 505.14(c)(9) of Title 18 of New York's Codes, Rules and Regulations, the County is required to "have a plan to monitor and audit the delivery of personal care services provided pursuant to its contracts or other written agreements with provider agencies", and that plan must, at a minimum, include "a review of the provider agency's fiscal practices", among other things. Accordingly, on October 4, 2018, the County, acting by and through its

Department of Social Services (the "Department"), issued a request for proposals that solicited proposals from vendors to provide the Audit Services (the "RFP"). In response to the RFP, the Department received three (3) proposals. The Department had several individuals review these proposals and evaluate them based upon the evaluation criteria specified in the RFP. The result of this review and evaluation was that the proposal from Diamond Kerbis received the highest score and was, accordingly, ranked first. The Department conducted an analysis of the cost proposal from Diamond Kerbis and found that it is reasonable. Based on the Department's review of the proposal from Diamond Kerbis and the performance of Diamond Kerbis under previous contracts with the County, the Department is satisfied that Diamond Kerbis is a responsible vendor for these services.

The proposed Agreement will serve a public purpose by providing the County with the Audit Services, which are necessary to audit current and prospective Vendors of PCS and/or CDPAP Services.

The goal and objective of the proposed Agreement is to provide the County with the Audit Services, which are necessary to audit current and prospective Vendors of PCS and/or CDPAP Services.

The goal and objective of the proposed Agreement is in the best interests of the County in terms of fiscal responsibility, as the Audit Services will enable the County to both analyze the expenditures of current Vendors and evaluate prospective Vendors, thereby helping to ensure that the Vendors that provide PCS and/or CDPAP Services are conducting themselves properly and are financially stable.

The goal and objective of the proposed Agreement will be tracked and monitored by the staff of the Department.

I respectfully recommend the adoption of the attached Resolution.

KMM/JA/bdm/nn

RESOLUTION

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

RESOLVED, that the County of Westchester (the "County") is hereby authorized to enter into an agreement (the "Agreement") with Diamond, Kerbis CPA's, P.C. ("Diamond Kerbis"), pursuant to which Diamond Kerbis will provide audit services to audit entities that provide and propose to provide personal care services and/or consumer directed personal care services to recipients of Medicaid (the "Audit Services"), for the period from January 1, 2019 through December 31, 2023, for an amount not-to-exceed \$1,999,408.00, payable pursuant to an approved budget, which will specify the following annual not-to-exceed amounts for the Audit Services:

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Grand Total for Audit Services During 2023: \$382,338.00

; and be it further

RESOLVED, that this Agreement is subject to County appropriations; and be it further

RESOLVED, that this Agreement 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 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 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 this Agreement upon reasonable prior written notice; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized to execute any documents and take any actions reasonably necessary and appropriate to effectuate the purposes of this Resolution.

Account to be Charged/Credited

	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
2019	101	22	8900	5650	-----	\$419,711
2020	101	22	8900	5650	-----	\$419,711
2021	101	22	8900	5650	-----	\$395,310
2022	101	22	8900	5650	-----	\$382,338
2023	101	22	8900	5650	-----	\$382,338

Budget Funding Year(s): 2019-23 Start Date: 01/01/19 End Date: 12/31/23
 (must match resolution)

Funding Source Tax Dollars: 0%
\$1,999,408.00 State Aid: 50%
 (must match resolution) Federal Aid: 50%
 Other:

APPROVED BOARD OF ACQUISITION & CONTRACT - 01/03/2019 - USA MR. JAJ SECRETARY