



George Latimer
County Executive

Department of Social Services

Kevin McGuire
Commissioner

66765

DATE: December 14, 2018

TO: Board of Acquisition and Contract

FROM: Kevin McGuire, Commissioner
Department of Social Services

SUBJECT: Authority for the County to amend its agreement with Mount Vernon Neighborhood Health Center, Inc., pursuant to which it was to provide medical screenings of assisted homeless families and singles for the assessment of health needs and for determining the degree of employability for singles, by, a.) extending the term by six (6) months, to a new termination date of June 30, 2019, and b.) increasing the not-to-exceed amount by \$185,000, to pay for services during the extended term.

By a resolution approved on July 19, 2012, your Honorable Board authorized the County of Westchester (the "County") to enter into an agreement with Mount Vernon Neighborhood Health Center, Inc. ("MVNHC"), pursuant to which MVNHC was to provide medical screenings of assisted homeless families and singles for the assessment of health needs and for determining the degree of employability for singles (the "Services"), for an amount not to exceed \$370,000, to be paid pursuant to an approved budget, for the period from July 1, 2012 through June 30, 2013, with the County having the sole option to extend the term of the agreement for five (5) additional one (1) year periods thereafter for the same cost for the Services for each option term as for the initial term (the "Agreement"). The Agreement was subsequently executed.

By a resolution approved on May 23, 2013, your Honorable Board authorized the County to exercise its first option under the Agreement and amend the Agreement by, a.) extending its term by one (1) year, to a new termination date June 30, 2014, and b.) providing that the County would pay MVNHC an amount not-to-exceed \$370,000, pursuant to an approved budget, during said option term, thereby increasing the total not-to-exceed amount of the Agreement to \$740,000 (the "First Amendment"). The First Amendment was subsequently executed.

By a resolution approved on July 17, 2014, your Honorable Board authorized the County

to exercise its second option under the Agreement, as amended, and amend the Agreement, as amended, by, a.) extending its term by one (1) year, to a new termination date June 30, 2015, and b.) providing that the County would pay MVNHC an amount not-to-exceed \$370,000, pursuant to an approved budget, during said option term, thereby increasing the total not-to-exceed amount of the Agreement, as amended, to \$1,110,000 (the "Second Amendment"). The Second Amendment was subsequently executed.

By a resolution approved on April 30, 2015, your Honorable Board authorized the County to exercise its third option under the Agreement, as amended, and amend the Agreement, as amended, by, a.) extending its term by one (1) year, to a new termination date June 30, 2016, and b.) providing that the County would pay MVNHC an amount not-to-exceed \$370,000, pursuant to an approved budget, during said option term, thereby increasing the total not-to-exceed amount of the Agreement, as amended, to \$1,480,000 (the "Third Amendment"). The Third Amendment was subsequently executed.

By a resolution approved on July 7, 2016, your Honorable Board authorized the County to exercise its fourth option under the Agreement, as amended, and amend the Agreement, as amended, by, a.) extending its term by one (1) year, to a new termination date June 30, 2017, and b.) providing that the County would pay MVNHC an amount not-to-exceed \$370,000, pursuant to an approved budget, during said option term, thereby increasing the total not-to-exceed amount of the Agreement, as amended, to \$1,850,000 (the "Fourth Amendment"). The Fourth Amendment was subsequently executed.

By a resolution approved on August 3, 2017, your Honorable Board authorized the County to exercise its fifth and final option under the Agreement, as amended, and amend the Agreement, as amended, by, a.) extending its term by one (1) year, to a new termination date June 30, 2018, and b.) providing that the County would pay MVNHC an amount not-to-exceed \$370,000, pursuant to an approved budget, during said option term, thereby increasing the total not-to-exceed amount of the Agreement, as amended, to \$2,220,000 (the "Fifth Amendment"). The Fifth Amendment was subsequently executed.

By a resolution approved on June 28, 2018, your Honorable Board authorized the County to amend the Agreement, as amended, by, a.) extending its term by four (4) months, to a new termination date of October 31, 2018, and b.) increasing its not-to-exceed amount by \$123,000, to a new total amount not to exceed \$2,343,000, to pay for services during the extended term (the "Sixth Amendment"). The Sixth Amendment was subsequently executed.

By a resolution approved on November 15, 2018, your Honorable Board authorized the County to amend the Agreement, as amended, by, a.) extending its term by two (2) months, to a new termination date of December 31, 2018, and b.) increasing its not-to-exceed amount by \$61,500, to a new total amount not to exceed \$2,404,500, to pay for services during the extended term (the "Seventh Amendment"). The Seventh Amendment was subsequently executed.

As explained previously, the County finalized its re-design of its housing programs to meet the current needs of the public, and the outcome of that re-design directly impacts the County's needs regarding health and employability assessments, such as the Services, for the

future.

Accordingly, on November 7, 2018, the County, acting by and through the Department of Social Services (“DSS”), issued a request for proposals that solicited proposals from vendors to provide certain healthcare services for both homeless shelters for adults and homeless shelters for families in Westchester County, which are, overall, very similar to the current Services (the “RFP”). Proposals were due on November 26, 2018. The County did not receive any proposals in response to the RFP.

On November 26, 2018, the County, acting by and through DSS, re-issued the RFP. Proposals were due on December 7, 2018. The County received one (1) proposal in response to the re-issued RFP. DSS reviewed the proposal and found that, for the intended initial three-year term of the new agreement, the costs under the proposal were over \$1 million above the costs anticipated by DSS.

DSS now intends to re-assess the services being solicited by the RFP, in order to determine if and how it can reduce the costs. However, the term of the Agreement, as amended, is set to expire on December 31, 2018, and the County absolutely cannot go without the health and employability assessment services for any period of time while DSS reviews and re-issues a revised version of the RFP. That is because, in order to comply with applicable New York State regulations, the County must ensure that, within twenty-four (24) hours of entry/admission to a homeless shelter, a.) a preliminary health examination is conducted for each family, with said examination performed by qualified medical personnel to ascertain the general health of the family and/or the presence of communicable diseases, and to verify pregnancy, and to evaluate the family’s care needs, including the need for treatment of physical and mental health problems, including substance abuse (see: 18 NYCRR 900.6, 18 NYCRR 352.35, 18 NYCRR 351.2(g)), and b.) an interview is conducted for each adult, in order to determine the immediate needs of the adult and whether or not the facility can meet or continue to meet his/her needs, and to evaluate the adult’s care needs, including the need for treatment of physical and mental health problems, including substance abuse (see: 18 NYCRR 491.4, 18 NYCRR 352.35, 18 NYCRR 351.2(g)). The County also provides other time-sensitive health services to, and performs other time-sensitive examinations, screenings, assessments, and the like regarding, persons in the County’s homeless shelters, as required by law or other proper authority.

Therefore, in order to give the County additional time to review, revise, and re-issue the RFP, the County respectfully requests authority from your Honorable Board to amend the Agreement, as amended, by, a.) extending its term by six (6) months, to a new termination date of June 30, 2019, and b.) increasing its not-to-exceed amount by \$185,000, to a new total amount not to exceed \$2,589,500, to pay for services during the extended term (the “Eighth Amendment”).

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

The proposed Eighth Amendment will serve a public purpose by ensuring that the County continues to receive the health and employability assessment services it needs for homeless

families and singles.

The goal and objective of the proposed Eighth Amendment is to ensure that the County continues to receive the health and employability assessment services it needs for homeless families and singles.

The goal and objective of the proposed Eighth Amendment is in the best interests of the County in terms of public health, as ensuring that the County continues to receive health and employability assessment services will enable the County to identify and address medical issues that may impact the housing placement and employability of such persons, and therefore ultimately help ensure that such persons receive the services they need.

The goal and objective of the proposed Eighth Amendment will be tracked and monitored by the staff of the Department of Social Services.

This procurement is exempt from the Westchester County Procurement Policy pursuant to Section 3(a)(xi) thereof, which exempts “any procurement made pursuant to procurement procedures provided for under any other federal or state law applicable to such procurement”, and Section 13 thereof, which specifies that each procurement that is funded, in whole or in part, by federal funds shall be made in accordance with any and all applicable federal laws, regulations, rules, guidance, instructions, or grant terms. Specifically, this procurement complies with 2 C.F.R. 200.320(f)(2), which allows for non-competitive procurement when “[t]he public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation”, based on the exigent circumstance that would be created by the County being without the Services, as noted above.

I respectfully recommend approval of the attached resolution.

KMM/BG/bdm/nn

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 its agreement with Mount Vernon Neighborhood Health Center, Inc. ("MVNHC"), pursuant to which MVNHC was to provide medical screenings of assisted homeless families and singles for the assessment of health needs and for determining the degree of employability for singles, for the period from July 1, 2012 through December 31, 2018, for an amount not to exceed \$2,404,500, payable pursuant to an approved budget (the "Agreement"), by, a.) extending its term by six (6) months, to a new termination date of June 30, 2019, and b.) increasing its not-to-exceed amount by \$185,000, to a new total amount not to exceed \$2,589,500, to pay for services 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 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
101	22	8900	5650	-----	\$185,000

Budget Funding Year(s): 2019
(must match resolution)

Start Date: 01/01/19

End Date: 06/30/19

Funding Source
\$185,000.00
(must match resolution)

Tax Dollars: 0%
State Aid: 50%
Federal Aid: 50%
Other: