

Department of Senior Programs and Services

67953

DATE: February 26, 2019

TO: Board of Acquisition and Contract

FROM: Mae Carpenter, Commissioner

Department of Senior Programs and Services

RE: Request for authorization to enter into an agreement with Legal Services of the Hudson Valley to provide Legal Assistance Services to Westchester County residents, 60 and over, in an amount not to exceed \$331,104, comprised of \$123,404 in Federal funds, and \$207,700 in County matching funds, for the program period January 1, 2019 and continuing through December 31, 2019.

Attached is a resolution which, if approved by your Honorable Board, would authorize 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 "LSHV"), to provide legal assistance services for Westchester County residents 60 and over (the "Program") for an amount not to exceed \$331,104, comprised of \$123,404 in federal funds, and \$207,700 in County matching funds, to be paid pursuant to an agreed upon unit cost for actual services provided and data entered in NYSOFA's PeerPlace System. The term of the Agreement will commence on or about January 1, 2019 and continue through December 31, 2019 (the "Initial Term").

The County, in its sole discretion, may extend the term of the Agreement for up to four (4) additional one (1) year option periods, on the same terms and conditions as the Initial Term, subject to the availability of funds, acceptable past performance, the County obtaining all necessary legal approvals and if the County determines that an extension is in its best interest; provided however, **that the unit cost or overall amount of the Agreement may be adjusted upward, at the sole option of the County** and subject to the availability of funds, in order to account for cost of living increases, and subject to the prior approval of your Honorable Board.

Legal assistance services shall include, without limitation, representation, consultation, advocacy, referrals, legal appeals, assistance with public benefits and entitlements applications, housing matters, consumer problems, long term care problems, family court, advance directives, social security and such other legal services as may become necessary. The LSHV will also provide public awareness campaigns to educate seniors about elder care issues.

The proposed Agreement will serve a public purpose by providing legal assistance for civil matters for Westchester County residents, 60 and over.

The goals and objectives of the Programs are to provide access to legal services and to further the legal rights of the elderly through the skillful and innovative use of the law.

The proposed Agreement is in the best interest of the County in terms of public safety and economic security in that it discusses with seniors civil legal services, and the services that are available throughout the county for seniors who are experiencing abuse and financial exploitation.

The services will be tracked, monitored and evaluated through monthly reporting activities and annual on-site reviews to determine if the contract performance goals and objectives are being met in a fiscally responsible and appropriately safe fashion. The New York State Office for the Aging shall monitor and evaluate if the Department is meeting its requirements to conduct proper oversight on an annual basis. Additionally, client satisfaction will be monitored through the use of surveys.

In accordance with Section 7 of the Westchester County Procurement Policy, and in accordance with the Federal Common Grant Rules, the Department issued a Request for Proposals ("RFP") on December 3, 2018 with a due date of December 27, 2018 to invite qualified agencies to submit proposals to provide the Program to Westchester County residents 60 years and over. In an effort to solicit as many proposers as possible, the Department posted the RFP on the County's website; distributed a press release regarding the RFP; placed legal notices in the Journal News and the New York Times on December 2, 2018, and sent e-mails to the Aging Network Providers announcing the posting of the RFP. The Aging Network Providers were also asked to share the information with their contacts. Despite these efforts, only one proposal was received in response to the RFP, which was submitted by the LSHV. Since only one proposal was submitted, pursuant to the Federal Common Grant Rules CFR 92.36 (f), which requires a cost analysis to be conducted to test the market when adequate competition is lacking or for sole source procurements, the Department obtained four hourly rate quotes from potential legal service providers. Based on the cost analysis, the cost per hour for the Program services, LSHV's rate is less than the rate quotes of the other legal service providers.

Therefore, after carefully evaluating the LSHV's proposal on both technical and financial criteria, including but not limited to, qualifications and experience, technical knowledge, implementation methodology, soundness of the proposed program, program design and familiarity with the provision of services to be rendered, and proposed unit cost, and based on the cost analysis that identified the LSHV as having the lesser rate of the other legal service providers, the Department recommends entering into an Agreement with the LSHV to provide the Program services. It should be noted that the LSHV has successfully implemented the Program through prior agreements with the County.

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 enter into an agreement (the "Agreement") with Legal Services of the Hudson Valley (the "LSHV"), to provide Legal Assistance Services for Westchester County residents 60 and over (the "Program") for an amount not to exceed \$331,104, comprised of \$123,404 in Federal funds, and \$207,700 in County matching funds, to be paid pursuant to an agreed upon unit cost for actual services provided and data entered in NYSOFA's PeerPlace System for the period commencing on January 1, 2019 and continuing through December 31, 2019 (the "Initial Term"); and be it further

RESOLVED that the County at its sole option may extend the term of the Agreement for up to four (4) additional one (1) year option periods, on the same terms and conditions as the Initial Term, subject to the availability of funds, acceptable past performance, the County obtaining all necessary legal approvals and if the County determines that an extension is in its best interest; provided however, **that the unit cost or overall amount of contract may be adjusted upward**, at the sole option of the County and subject to the availability of funds; subject to the prior approval of your Honorable Board; and be it further

RESOLVED that the Agreement with the LSHV is subject to County appropriations; and be it further

RESOLVED, that the Agreement with the LSHV is also subject to the 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 the Agreement with the LSHV or renegotiate the amounts and rates approved therein. If the County subsequently offers to pay a reduced amount to the LSHV, then the LSHV shall have the right to terminate the Agreement upon reasonable prior written notice; 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.

This Agreement: \$331,104

Account to be charged	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	263	85	686U	4380	T-686	\$331,104

Budget Funding Years 2019

Start Date 1/1/19

End Date 12/31/19

(must match resolution)

Tax Dollars: \$207,700

Funding Source

State Aid: \$0

Federal Aid: \$123,404

\$331,104

(must match resolution)

APPROVED BOARD OF ACQUISITION & CONTRACT - 03/21/2019 - LISA MRIJAL SECRETARY