

81892

DATE: January 4, 2021
TO: Board of Acquisition & Contract
FROM: Mae Carpenter, Commissioner
Department of Senior Programs and Services
RE: Request authority for the County of Westchester to:

- a) accept two (2) grants from the New York State Office for the Aging in an aggregate amount not to exceed \$1,553,685 in order to expand nutrition services for older adults, as follows: (i) a grant in an amount not-to-exceed \$388,421 in HDC2 – Family First Coronavirus Response Act (“FFCR Act”) federal emergency stimulus funds for Home-Delivered Nutrition Services (“HDC2-FFCR Act Program”), in accordance with Title III-C-2 of the Older Americans Act (“OAA”), for a term commencing retroactive to March 20, 2020 through September 30, 2021; and (ii) a grant in an amount not-to-exceed \$1,165,264 in HDC3 - Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) federal emergency stimulus funds for Nutrition Services (“HDC3-CARES Act Program”), in accordance with Title III-C-1 and Title III-C-2 of the OAA, for a term commencing retroactive to April 1, 2020 through September 30, 2021; and
- b) enter into two (2) agreements with Westchester Jewish Community Services, Inc. and The Young Women’s Christian Association of Yonkers, for meals and to deliver bags of groceries/consumable supplies for older adults, kitchen equipment, supplies, repairs & vehicle expenses under the HDC2-FFCR Act Program and the HDC3-CARES Act Program, in accordance with Title III-C-1 and Title III-C-2 of the OAA, for an aggregate amount not to exceed \$29,574, in the individual amounts listed in the attached Schedule “A,” payable with FFCR Act and CARES Act funds, pursuant to the agreed-upon unit costs. The term of the agreements for the services funded under the HDC2 – FFRC Act Program shall commence retroactive to March 20, 2020 and continue through September 30, 2021, noting that the term for the services funded under the HDC3 – CARES Act Program will commence retroactive to April 1, 2020 and continue through September 30, 2021.

The County of Westchester (the “County”), acting by and through its Department of Senior Programs and Services (the “Department”), seeks authority from your Honorable Board to enter into two (2) grant agreements – Federal CFDA No. 93-045 (“NYSOFA Agreements”) with the New York State Office for the Aging (“NYSOFA”) for an aggregate amount not to exceed \$1,553,685 in order to (i) accept a grant in an amount not-to-exceed \$388,421 in HDC2 – Family First Coronavirus Response Act (“FFCR Act”) federal emergency stimulus funds for Home Delivered

Nutrition Services (“HDC2-FFCR Act Program”), in accordance with Title III-C-2 of the Older Americans Act of 1965, as amended (“OAA”), for a term commencing retroactive to March 20, 2020 and continuing through September 30, 2021; and to (ii) accept a grant in an amount not-to-exceed \$1,165,264 in HDC3 – Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) federal emergency stimulus funds for nutrition services, including congregate meals and home-delivered nutrition services (“HDC3-CARES Act Program”), in accordance with Title III-C-1 and Title III-C-2 of the OAA, for the period commencing retroactive to April 1, 2020 and continuing through September 30, 2021. These federal pass-through grant funds are earmarked for the expansion of nutrition services for older adults and other appropriate nutrition-related services to prevent the risk of exposure to the Coronavirus disease 2019 (“COVID-19”) pandemic.

The County also seeks authority to enter two (2) agreements (“Agreements”) with Westchester Jewish Community Services, Inc. (“WJCS”) and with The Young Women’s Christian Association of Yonkers (“YWCA of Yonkers”), for meals and to deliver bags of groceries/consumable supplies for older adults, kitchen equipment, supplies, repairs & vehicle expenses under the HDC2-FFCR Act Program and the HDC3-CARES Act Program, in accordance with Title III-C-1 and Title III-C-2 of the OAA, for an aggregate amount not to exceed \$29,574, and in the individual amounts listed in the attached Schedule “A,” payable with FFCR Act and CARES Act funds, pursuant to the agreed-upon unit costs. The term of the Agreements for the services funded under the HDC2 – FFCR Act Program shall commence retroactive to March 20, 2020 and continue through September 30, 2021, noting that the term for the services funded under the HDC3 – CARES Act Program will commence retroactive to April 1, 2020 and continue through September 30, 2021.

Of the remaining \$382,153 in HDC2 – FFCR Act federal emergency stimulus funds for the HDC2-FFCR Act Program, \$307,153 will be used to enter into inter-municipal agreements (“IMAs”) with various municipalities, for the same services, subject to the approval of the Westchester County Board of Legislators, and the remaining \$75,000 will be utilized directly by NYSOFA to enter into a contract with a Meal Provider of its choosing.

The remaining \$1,141,958 in HDC3 – CARES Act federal emergency stimulus funds for the HDC3-CARES Act Program will be used to enter into inter-municipal agreements (“IMAs”) with various municipalities, for the same services, subject to the separate approval of the Westchester County Board of Legislators.

It should be noted that since Local Law 6 of 2012 has now been implemented, Board of Acquisition & Contract approval for some IMAs is no longer required. Therefore, the Department has submitted legislation to the Westchester County Board of Legislators seeking an approved Board Act before the County enters into the IMAs.

The FFCR Act and the CARES Act provides supplemental federal funding for programs authorized by the OAA. Through these programs, a network of community-based organizations, such as Area Agencies on Aging, Centers for Independent Living, senior centers, faith-based organizations, and other non-profit corporations provide a vast array of resources and services to help older adults stay healthy and live independently in their communities.

The proposed NYSOFA Agreements and the Agreements will serve a **public purpose** because they will provide funding that allows for the expansion of supportive nutrition services to help meet the needs of older adults as communities implement measures to prevent the risk of exposure to COVID-19, thus preventing malnutrition and improving their overall health and safety.

The **goals and objectives** of the NYSOFA Agreements and the Agreements are to direct funds to support nutrition and nutrition related services for older adults residing in Westchester County in order to help communities support older adults in staying healthy, safe, and independent during the COVID-19 pandemic.

The **goals and objectives** of the NYSOFA Agreements and the Agreements are in the best interest of the County because they serve as a means of providing funding to expand services to seniors, specifically those seniors who are at increased risk of isolation and malnutrition in an effort to protect them during the COVID-19 pandemic delay or divert them from institutionalization, thereby reducing Medicaid costs to the County.

The **goals and objectives** of the NYSOFA Agreements and the Agreements will be tracked, monitored and evaluated by the Department's Nutrition, Health and Wellness Unit, to ensure compliance with Federal, State and County Regulations. On-site monitoring, contractor monthly report reviews and contract meal performance management will be completed by assigned nutrition staff. On-site reviews will be conducted bi-annually by nutrition staff and annually by the State Office for the Aging.

The NYSOFA Agreements do not constitute procurement, and as such they are not subject to the requirements of the Westchester County Procurement Policy. The Agreements with WJCS and YWCA of Yonkers are not subject to the Federal Common Grant Rules which normally require full and open competition through the use of competitive procedures before entering into contracts unless certain public exigent or emergency circumstances exist that would permit noncompetitive proposals, as set forth in 2 C.F.R. 200.320(f)(2). The COVID-19 pandemic is one such exigent circumstance that allows for noncompetitive procurement in order to expedite the distribution of these emergency relief stimulus funds to supplement and address urgent Department's program needs such as the expansion of nutrition services to seniors during the COVID-19 pandemic.

I certify that my department, a.) has copies of, or access to, all applicable laws, rules, regulations, grant applications, and grant agreements (including any master grant agreement), as well as any guidance or instructions received from the agency making the grant (the "Grant Terms"), b.) has reviewed the Grant Terms, c.) is aware of and understands all of the Grant Terms, and d.) can and will comply with all of the Grant Terms.

Accordingly, I most respectfully recommend adoption of the attached proposed resolution.

MC/SJ/CMC

RESOLUTION

Upon communication from the Commissioner of the Westchester County Department of Senior Programs and Services be it hereby:

RESOLVED, that the County of Westchester (the "County") acting by and through its Department of Senior Programs and Services (the "Department") is hereby authorized to enter into two (2) grant agreements (the "NYSOFA Agreements") with the New York State Office for the Aging ("NYSOFA") in an aggregate amount not to exceed \$1,553,685 in order to (i) accept a grant in an amount not-to-exceed \$388,421 in HDC2 – Family First Coronavirus Response Act ("FFRC Act") federal emergency stimulus funds for Home Delivered Nutrition Services ("HDC2-FFCR Act Program"), in accordance with Title III-C-2 of the Older Americans Act of 1965, as amended ("OAA"), for a term commencing retroactive to March 20, 2020 and continuing through September 30, 2021; and (ii) accept a grant in an amount not-to-exceed \$1,165,264 in HDC3 - Coronavirus Aid, Relief, and Economic Security Act ("CARES Act") federal emergency stimulus funds for nutrition services, including congregate meals and home-delivered nutrition services ("HDC3-CARES Act Program") in accordance with Title III-C-1 and Title III-C-2 of the OAA, for the period commencing retroactive to April 1, 2020 and continuing through September 30, 2021. The grant funds will be used for the expansion of nutrition services for older adults and other appropriate nutrition-related services; and be it further

RESOLVED, that County is authorized to enter into two (2) agreements ("Agreements") with Westchester Jewish Community Services, Inc. ("WJCS") and The Young Women's Christian Association of Yonkers ("YWCA of Yonkers"), for meals and to deliver bags of groceries/consumable supplies for older adults, kitchen equipment, supplies, repairs & vehicle expenses under the HDC2-FFCR Act Program and the HDC3-CARES Act Program, in accordance with Title III-C-1 and Title III-C-2 of the OAA, for an aggregate amount not to exceed \$29,574, and in the individual amounts listed in the attached Schedule "A," payable with FFCR Act and CARES Act funds, pursuant to the agreed-upon unit costs.

RESOLVED, that the term of the Agreements for the services funded under the HDC2 – FFRC Act Program shall commence retroactive to March 20, 2020 and continue through September 30, 2021, noting that the term for the services funded under the HDC3 – CARES Act Program will commence retroactive to April 1, 2020 and continue through September 30, 2021; and be it further

RESOLVED, that the County Executive or his duly authorized designee be, and hereby is, authorized to take such actions and execute such documents as may be necessary and appropriate to effectuate the purposes hereof.

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
Credited	263	85	V011	9853	G011	\$388,421
Charged	263	85	V011	4380	G011	\$6,268
Credited	263	85	V014	9853	G014	\$1,165,264
Charged	263	85	V014	4380	G014	\$23,306

Budget Funding Year(s) 2020 - 2021 Start Date: 3/20/2020 End Date: 9/30/2021
(must match resolution) 2020 - 2021 Start Date: 4/01/2020 End Date: 9/30/2021

Funding Source Tax Dollars: \$0
 State Aid: \$0
\$1,553,685 Federal Aid: \$1,553,685
(must match resolution)

APPROVED BOARD OF ACQUISITION & CONTRACTS 01/21/2021 - JOAN COCCIAFORDI, SECRETARY

SCHEDULE "A"

HDC2 – FFCR ACT TERM

March 20, 2020 – September 30, 2021

&

HDC3 – CARES ACT TERM

April 1, 2020 – September 30, 2021

NUTRITION PROGRAMS

CONTRACTORS	HDC2 – FFCR ACT FEDERAL FUNDS INDIVIDUAL NOT- TO-EXCEED AMOUNT	HDC3 – CARES ACT FEDERAL FUNDS INDIVIDUAL NOT-TO- EXCEED AMOUNT	AGGREGATE NOT-TO-EXCEED AMOUNT
The Young Women's Christian Association of Yonkers.	\$3,134	\$11,653	\$14,787
Westchester Jewish Community Services, Inc.	\$3,134	\$11,653	\$14,787
Total Funding for Contractor Services	\$6,268	\$23,306	\$29,574

APPROVED BOARD OF ACQUISITION & CONTRACT - 01/21/2021 - JOAN COCCIARDI, SECRETARY