

82542

DATE: February 9, 2021

TO: Board of Acquisition & Contract

FROM: Mae Carpenter, Commissioner
Department of Senior Programs and Services

RE: Authority to retroactively amend an agreement with Westchester Public-Private Membership Fund for Aging Services, Inc. to provide the Chronic Disease Self-Management Program, the Chronic Pain Self-Management Program and the Tomando Control de su Salud Program to elderly persons 60 years and older residing in Westchester County under Title III-D of the Older Americans Act in order to increase the federal funds under the third renewal by \$4,767, for the period beginning on January 01, 2020 through December 31, 2020.

By resolution approved on February 10, 2017, your Honorable Board authorized the County of Westchester (the "County"), acting by and through its Department of Senior Programs and Services (the "Department"), to enter into an agreement with the Westchester Public-Private Membership Fund for Aging Services, Inc. (the "Contractor") for the purpose of providing the Chronic Disease Self-Management Program, the Chronic Pain Self-Management Program and the Tomando Control de su Salud Program to elderly persons 60 years and older residing in Westchester County under Title III-D of the Older Americans Act (the "Programs"), for an aggregate amount not to exceed \$95,000 comprised of \$71,130 in federal funds and \$23,870 in County Tax Dollars, payable based on an approved budget for actual services provided, for the Program period beginning on March 01, 2017 through December 31, 2017, with the County having the option at its sole discretion to extend the term of the Agreement with the Contractor for up to four (4) additional (1) one-year periods, on the same terms and conditions, including the budget as the initial term, subject to the availability of funds, acceptable past performance, and the County's determination that an extension is in its best interest, subject to the prior approval of your Honorable Board (the "Agreement"). The Agreement was subsequently executed.

Thereafter, by resolution approved on February 22, 2018, your Honorable Board authorized the County to amend the Agreement with the Contractor in order to exercise the first of the County's four (4) options to renew the Agreement to provide the Programs for the program period beginning on January 1, 2018 and continuing through December 31, 2018 (the "First Renewal") at the same aggregate funding amount as the initial Agreement; however, noting that the federal funding decreased by \$15,781 from \$71,130 to \$55,349

and the County tax dollars increased by \$15,781 from \$23,870 to \$39,651. NYSOFA cut federal funding by \$15,781, which made it necessary to increase the County match by that amount in order to effectively run the Program (the "First Amendment"). The First Amendment was subsequently executed.

Thereafter, by resolution approved on February 28, 2019, your Honorable Board authorized the County to amend the Agreement with the Contractor in order to exercise the second of the County's four (4) options to renew the Agreement to provide the Programs for the program period beginning on January 1, 2019 and continuing through December 31, 2019 (the "Second Renewal") at the same aggregate funding amount as the initial Agreement and First Renewal, however, noting that for the 2019 program year, the federal funding increased by \$12,630 from \$55,349 to \$67,979 and the County tax dollars decreased by \$12,630 from \$39,651 to \$27,021. NYSOFA increased federal funding by \$12,630, which allowed for a decrease in the County match by that amount, resulting in a savings of County Tax Dollars (the "Second Amendment"). The Second Amendment was subsequently executed.

Most recently, by resolution approved on April 2, 2020 (the "April 2nd Resolution"), your Honorable Board authorized the County to amend the Agreement with the Contractor in order to exercise the third of the County's four (4) options to renew the Agreement to provide the Programs for the program period beginning on January 1, 2020 and continuing through December 31, 2020 (the "Third Renewal") at the same aggregate funding amount as the initial Agreement and all prior subsequent renewals; however, noting that for the 2020 program year, the federal funding decreased by \$4,733 from \$67,979 to \$63,246 and the County tax dollars increased by \$4,733 from \$27,021 to \$31,754. Because NYSOFA cut federal funding by \$4,733, it became necessary to increase the County match by that amount in order to effectively run the Program. Additionally, your Honorable Board also authorized the County to further amend the Agreement to incorporate a questionnaire entitled Questionnaire Regarding Business Enterprises Owned and Controlled by Service-Disabled Veterans as required by the County (the "Third Amendment"). The Third Amendment was subsequently executed.

The Department realized that there are unspent Title III-D funds for the 2019 program year and would like to ensure that these grant funds are fully expended for the Program. Therefore, the County now seeks further authority to retroactively amend the Agreement in order to increase the federal funding for the Third Renewal period beginning on January 1, 2020 and continuing through December 31, 2020, by \$4,767, from \$63,246 to \$68,013, thereby increasing the aggregate not-to-exceed amount authorized under the Third Renewal from \$95,000 to \$99,767, comprised of \$68,013 in federal funds and \$31,754 in County Tax Dollars.

Except as specifically amended hereunder, all remaining terms and conditions set forth in the Agreement, as previously amended shall remain in full force and effect; and be it further

Accordingly, approval of the attached resolution is most respectfully recommended.

MC/SJ

RESOLUTION

UPON A COMMUNICATION FROM MAE CARPENTER, 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 retroactively amend an agreement (the "Agreement") with the Westchester Public-Private Membership Fund for Aging Services, Inc. (the "Contractor") in order to increase federal funding for the Third Renewal period beginning on January 1, 2020 and continuing through December 31, 2020 by \$4,767, from \$63,246 to \$68,013, thereby increasing the total aggregate not-to-exceed amount authorized under the Third Renewal period from \$95,000 to \$99,767, comprised of \$68,013 in federal funds and \$31,754 in County Tax Dollars (the "Fourth Amendment"); and be it further

RESOLVED, that except as specifically amended hereby, all remaining terms and conditions set forth in the Agreement, as previously amended, shall remain in full force and effect; 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.

Agreement: \$95,000
 First Amendment: \$95,000
 Second Amendment: \$95,000
 Third Amendment: \$95,000
 Fourth Amendment: \$ 4,767
 Total: \$384,767

Account to be charged	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	263	85	943V	4380	T-943	\$4,767
Budget Funding Years 2020 Start Date 1/1/2020 End Date 12/31/2020 (must match resolution)						
Funding Source			County			
<u>\$4,767</u>			Tax Dollars <u>\$0</u>			
(must match resolution)			State Aid <u>\$0</u>			
			Federal Aid <u>\$4,767</u>			

APPROVED BOARD OF ACQUISITION & CONTRACT - 02/18/2021 - LISA MRIJAJ, SECRETARY