

83919

DATE: March 30, 2021
TO: Board of Acquisition & Contract
FROM: Mae Carpenter, Commissioner
Department of Senior Programs and Services
RE: Request for authority for the County of Westchester to:

- a) enter into an agreement with the New York State Executive Department Office for the Aging to accept a grant in the sum of \$2,050,995 to provide nutrition programs for the elderly under Titles IIIC-1, IIIC-2, and the Nutritional Services Incentive Program of the Older Americans Act for the program period commencing retroactive to January 1, 2021 and continuing through December 31, 2021, noting the period for the Nutritional Services Incentive Program shall commence retroactive to October 1, 2020 and continue through September 30, 2021.; and
- b) enter into Agreements with the Westchester Jewish Community Services, Inc. and the Young Women's Christian Association of Yonkers to administer the aforementioned nutrition programs for the elderly in an aggregate amount not-to-exceed \$38,466, for the aforementioned mentioned program periods.

The County of Westchester, acting by and through its Department of Senior Programs and Services (the "Department"), seeks authority from your Honorable Board to enter into an Agreement with the New York State Office for the Aging ("NYSOFA") to accept a grant in the sum of \$2,050,995 to provide various nutrition programs (the "Programs") for the elderly under Titles IIIC-1, IIIC-2 and the Nutritional Services Incentive Program ("NSIP") of the Older Americans Act, for the program period commencing retroactive to January 1, 2021 and continuing through December 31, 2021, noting that the program period for NSIP shall commence retroactive to October 1, 2020 and continue through September 30, 2021 (the "NYSOFA Agreement").

The County also seeks authority to enter into agreements (the "Agreements") with the Westchester Jewish Community Services, Inc. ("WJCS") and the Young Women's Christian Association of Yonkers ("YWCA of Yonkers") collectively (the "Contractors"), to administer the aforementioned nutrition Programs for the elderly pursuant to Titles IIIC-1, IIIC-2 and NSIP of the Older Americans Act. Federal funding for the Programs shall be for a total aggregate amount not-to-exceed \$38,466 in the individual amounts set forth in the attached Schedule "A" for the program period commencing on January 1, 2021 and continuing through December 31, 2021, noting that program period for NSIP shall commence retroactive to October 1, 2020 and continue through September 30, 2021. The Contractors are required to contribute an aggregate amount not to exceed \$10,415 to the IIIC Programs in the individual amounts also set forth in the attached Schedule "A."

Of the remaining \$2,012,529 in federal funds, \$1,463,874 will be used to enter into inter-municipal agreements (IMAs), and the remaining \$548,655 will be used directly by the Department to provide direct services and Area Agency Administration. It should be noted that, in accordance with Local Law 6 of 2012, the County will submit legislation seeking authorization of a new approved Board Act from the Westchester County Board of Legislators before entering into the IMAs.

The Agreements with the Contractors will provide that the Department will be authorized to distribute such funding 1) contingent upon its receiving further State approval; and 2) by providing the Contractors with written confirmation that the State has authorized the distribution of such funds, without the need for the subcontractor to execute a supplemental agreement. This practice was approved by your Honorable Board in 2010 to avoid the administrative difficulties involved in distributing NSIP funds prior to the State-imposed deadline.

The NYSOFA Agreement and the Agreement with the Contractors will serve a public purpose by providing needed nutrition programs to elderly residents of the County, thus preventing malnutrition and improving their overall health.

The goals and objectives of the nutrition programs under Titles III-C-1, III-C-2 and NSIP of the Older Americans Act are to service seniors who are 60 years of age or older looking to satisfy the basic need for food, nutrition and socialization. The home delivered meals program specifically aims to maintain or improve the wellbeing of those seniors who are at increased nutritional risk.

The goals and objectives are in the best interests of the County in terms of public health by providing needed nutrition programs to elderly residents of the County who are most vulnerable to suffering from malnutrition.

The goals and objectives 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, subcontractor 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 Agreement does not constitute procurement. The Agreements with the Contractors for provision of the Programs constitute "sole source" procurements in accordance with Section 9 of the County Procurement Policy and non-competitive procurements in accordance with 2 CFR§ 200.320 (c)(2) of the Federal Procurement Rules, in that due to the nature and extent of the services being provided by the Contractors, these services are only available from those single sources.

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.

RESOLUTION

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

RESOLVED, that the County of Westchester (the "County") acting by and through its Department of Senior Program and Services (the "Department") is hereby authorized to enter into an agreement with New York State Office for the Aging (NYSOFA) (the "NYSOFA Agreement") to accept a grant in the sum of \$2,050,995 to provide various nutrition programs (the "Programs") for the elderly pursuant to Titles IIIC-1, IIIC-2, and the Nutritional Services Incentive Program ("NSIP") of the Older Americans Act for the program period commencing retroactive to January 1, 2021 and continuing through December 31, 2021, noting that the period for NSIP shall commence retroactive to October 1, 2020 and continue through September 30, 2021; and be it further

RESOLVED, that the County is hereby further authorized to enter into agreements (the "Agreements") with the Westchester Jewish Community Services, Inc. ("WJCS") and the Young Women's Christian Association of Yonkers ("YWCA of Yonkers") collectively (the "Contractors") to administer the aforementioned nutrition Programs for the elderly pursuant to Titles IIIC-1, IIIC-2, and NSIP of the Older Americans Act in the individual amounts set forth in the attached Schedule "A", for a total aggregate amount not-to-exceed \$38,466 for the program period commencing retroactive to January 1, 2021 and continuing through December 31, 2021, noting that the period for NSIP shall commence retroactive to October 1, 2020 and continue through September 30, 2021; and be it further

RESOLVED, that the Contractors are required to contribute an aggregate amount not-to-exceed \$10,415 to the Programs in the individual amounts set forth in the attached Schedule "A"; and be it further

RESOLVED, that with regard to the distribution of NSIP funding, the Agreements with the Contractors shall provide that the Department will be authorized to distribute such funding 1) contingent upon its receiving State approval; and 2) by providing the Contractors with written confirmation that the State has authorized the distribution of such funds, without the need for each Contractor to execute a supplemental agreement; and be it further

RESOLVED, that the Agreements with the Contractors are subject to County Appropriations; and be it further

RESOLVED, that the Agreements with the Contractors are 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 the Agreements. 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 each Contractor or renegotiate the amount and rates approved herein. If the County subsequently offers to pay a reduced amount to the Contractors, then the Contractors shall have the right to terminate their respective Agreement upon reasonable prior written notice; 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:	Fund	Dept.	Major Program Program & Phase, Unit	Object/Sub Object	Trust Account	Dollars
Credited	263	85	941W	9853	T 941	\$1,169,957
Credited	263	85	942W	9853	T 942	\$605,116
Credited	263	85	939V	9853	T 939	\$184,392
Credited	263	85	939V	9853	T 939	\$91,530
Charged	263	85	941W	4380	T 941	\$18,019
Charged	263	85	942W	4380	T 942	\$13,223
Charged	263	85	939V	4380	T 939	\$4,166
Charged	263	85	939V	4380	T 939	\$3,058
Charged	263	85	941W+942W	VARIOUS	T941&T942	\$1,463,874
Charged	263	85	939V	4380	T 939	\$268,698
Budget Funding Year(s): <u>Unit 941W & 942W - 2021</u> Start Date <u>1/1/2021</u> End Date <u>12/31/2021</u> (must match resolution)						
<u>Unit 939V</u> <u>2020 - 2021</u> Start Date <u>10/1/2020</u> End Date <u>9/30/2021</u>						
Funding Source			Tax Dollars <u>\$ 0</u>			
			State Aid <u>\$ 0</u>			
<u>\$2,050,995</u>			Federal Aid <u>\$ 2,050,995</u>			
(must match resolution)						

SCHEDULE "A"

	NOT TO EXCEED FEDERAL FUNDS		NOT TO EXCEED FEDERAL FUNDS		CONTRACTOR MATCH		NET	
	<u>IIIC-1</u>	<u>IIIC-1 NSIP</u>	<u>IIIC-2</u>	<u>IIIC-2 NSIP</u>	<u>IIIC-1</u>	<u>IIIC-2</u>	<u>IIIC-1</u>	<u>IIIC-2</u>
<u>Not for Profit Organizations:</u> Westchester Jewish Community Services	\$0	\$0	\$13,223	\$3,058	\$0	\$4,408	\$0	\$20,689
YWCA Yonkers	\$18,019	\$4,166	\$0	\$0	\$6,007	\$0	\$28,192	\$0
TOTAL	\$18,019	\$4,166	\$13,223	\$3,058	\$6,007	\$4,408	\$28,192	\$20,689

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/08/2021 - LISA MRIJAJ, SECRETARY