

**91635**

**DATE:** March 9, 2022

**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, among other things, amend an agreement with Family Service Society of Yonkers in order to: 1) exercise its third renewal option under the Agreement to provide Guardianship and Support Services Guardianship for incapacitated individuals 60 years and older residing in Westchester County under Article 81 of the New York State Mental Hygiene Law for the program period January 1, 2022 through December 31, 2022; and 2) reflect a Cost of Living Adjustment increase authorized by the Westchester County Board of Legislators under the Third Extension Term by \$9,998 from an amount not to exceed \$62,485 to an amount not to exceed \$72,483 in County Tax Dollars.

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By resolution approved March 7, 2019 (the "March 7<sup>th</sup> Resolution") your Honorable Board, authorized 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 Family Service Society of Yonkers ("FSSY" also the "Contractor"), to provide Guardianship and Support Services Guardianship for incapacitated individuals 60 years and older residing in Westchester County under Article 81 of the New York State Mental Hygiene Law (the "Program") in an amount not-to-exceed \$55,900 in County tax dollars, payable at the agreed upon unit-cost for actual services provided for the program period January 1, 2019 through December 31, 2019. The March 7<sup>th</sup> Resolution also authorized that the County at its sole option may extend the term of the Agreement with the Contractor for up to four (4) additional one-year periods (each an "Extension Term"), at the same unit cost; however, noting that funding may vary from year to year, which would impact the not to exceed amount of the contract, subject to the prior approval of your Honorable Board. The Agreement was subsequently executed.

Thereafter, by resolution approved on February 13, 2020 (the "February 13<sup>th</sup> Resolution"), your Honorable Board authorized the County to amend the Agreement with the Contractor in order to exercise its first renewal option (the "First Extension Term") under the Agreement to provide the Program, for the program period commencing on January 1, 2020 and continuing through December 31, 2020 for an amount not to exceed \$57,577 in County Tax Dollars. The February 13<sup>th</sup> Resolution also authorized the County to incorporate a questionnaire entitled Questionnaire Regarding Business Enterprises Owned and Controlled by Service-Disabled Veterans as required by the County (the "First Amendment"). The First Amendment was subsequently executed.

Thereafter, by resolution approved on December 17, 2020, your Honorable Board authorized the County to amend the First Renewal under the Agreement in order to increase funding thereunder by an additional \$2,795 in County Tax dollars that the Westchester County Board of Legislators allotted to the Contractor, thereby increasing the not-to-exceed amount authorized under the First Extension Term from \$57,577 to \$60,372 (the "Second Amendment"). The Second Amendment was subsequently executed.

Thereafter, by resolution approved on April 29, 2021, your Honorable Board authorized the County to amend the Agreement with the Contractor in order to: 1) exercise its second renewal option (the "Second Extension Term") under the Agreement to provide the Program, for the program period commencing on January 1, 2021 and continuing through December 31, 2021; and 2) increase funding for the Second Extension Term by \$2,113 from an amount not to exceed \$60,372 to an amount not to exceed \$62,485 in County Tax Dollars (the "Third Amendment"). The Third Amendment was subsequently executed.

The County has determined that it requires the Program services for the 2022 calendar year, and the Contractor has satisfactorily provided the Program for the 2021 program period.

Therefore, the County now seeks authority from your Honorable Board to amend the Agreement with the Contractor in order to: 1) exercise its third renewal option (the "Third Extension Term") under the Agreement to provide the Program, for the program period commencing on January 1, 2022 and continuing through December 31, 2022; and 2) reflect a Cost of Living Adjustment increase authorized by the Westchester County Board of Legislators under the Third Extension Term by \$9,998 from an amount not to exceed \$62,485 to an amount not to exceed \$72,483 in County Tax Dollars.

Except as specifically amended as described herein, all other terms and conditions set forth in the Agreement shall remain in full force and effect.

For the 2021 program year, 2,484 combined units of services was provided to 105 unduplicated clients.

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

MC/SJ

## 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 amend its agreement (the "Agreement") with Family Service Society of Yonkers (the "Contractor") to provide Guardianship and Support Services Guardianship for incapacitated individuals 60 years and older residing in Westchester County under Article 81 of the New York State Mental Hygiene Law (the "Program") in order to: 1) exercise its third renewal option (the "Third Extension Term") under the Agreement to provide the Program, for the program period commencing on January 1, 2022 and continuing through December 31, 2022; and 2) reflect a Cost of Living Adjustment increase authorized by the Westchester County Board of Legislators under the Third Extension Term by \$9,998 from an amount not to exceed \$62,485 to an amount not to exceed \$72,483 in County Tax Dollars, payable pursuant to the agreed upon unit costs (the "Fourth Amendment"); and be it further

**RESOLVED**, that except as specifically amended hereby, all other 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.

APPROVED BOARD OF ACQUISITION & CONTRACT ADMINISTRATION  
ALMOND SCOTT, SECRETARY

Original Agreement: \$55,900  
 First Amendment: \$57,577  
 Second Amendment: \$2,795  
 Third Amendment: \$62,485  
 Fourth Amendment: \$72,483  
 Total: \$251,240

Account to be	Fund	Dept	Major Program, Program & Phase Or Unit or Org	Object/ Sub Object	Trust Account	Dollars
Charged	263	85	686X	4380	T686	\$72,483
Budget Funding Year(s) <u>2022</u> Start Date <u>1/1/2022</u> End Date <u>12/31/2022</u> (must match resolution)						
Funding Source Tax Dollars <u>\$72,483</u> <u>\$72,483</u> (must match resolution)						

APPROVED BOARD OF ACQUISITION & CONTRACTS - 03/31/2022 - RAMON SCULKY, SECRETARY