

93108

DATE: May 05, 2022

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) enter into a grant agreement with the New York State Office for the Aging to accept a grant in an amount not-to-exceed \$406,157 under the Consolidated Appropriations Act, HDC5, federal funds for services to be provided in accordance with Title III-C-2 of the Older Americans Act for a term commencing retroactive to December 27, 2020 and continuing through September 30, 2022; and
- b) enter into agreements with Westchester Jewish Community Services, Inc. and The Young Women's Christian Association of Yonkers to provide nutrition and nutrition-related services in accordance with Title III-C-2 of the Older Americans Act for an aggregate amount not to exceed \$8,122 in the individual not-to-exceed amounts of \$4,061, in Consolidated Appropriations Act, HDC5 federal funds, payable pursuant to an approved budget. The agreements shall commence retroactive to December 27, 2020 and continue through September 30, 2022.

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 a grant agreement (the "Grant Agreement") with the New York State Office for the Aging ("NYSOFA"), to accept an amount not to exceed \$406,157 in federal Consolidated Appropriations Act, HDC5 ("CA Act - HDC5") grant funds made available to the County from NYSOFA. The CA Act - HDC5 federal funds will be used for services to be provided in accordance with Title III-C-2 of the Older Americans Act ("OAA"), for the term commencing retroactive to December 27, 2020 and continuing through September 30, 2022. The grant funds may be used for any eligible service under New York State's Major Disaster Declaration ("MDD") until the date the MDD was lifted, and for the period after that date the funds must be utilized pursuant to Title III-C-2 of the OAA requirements and include home-delivered nutrition services to help seniors remain in their homes and community.

Furthermore, the County seeks authority to enter into agreements (the "Agreements") with Westchester Jewish Community Services, Inc. ("WJCS") and The Young Women's Christian Association of Yonkers ("YWCA of Yonkers") (collectively, the "Contractors") to provide nutrition and nutrition-related services in accordance with Title III-C-2 of the OAA (the "Programs" or

“Services”), for an aggregate amount not to exceed \$8,122 in CA Act - HDC5 federal funds, with each Contractor to be awarded an amount not to exceed \$4,061, payable pursuant to an approved budget. The Agreements shall commence retroactive to December 27, 2020 and continue through September 30, 2022.

The remaining \$398,035 will be used to enter into inter-municipal agreements (“IMAs”) with various municipalities, 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 County received authorization from the Westchester County Board of Legislators under Board Act 212-2021 to enter into the IMAs.

The proposed NYSOFA Agreement and the Agreements with the Contractors will serve a public purpose because they will provide funding that allow for the expansion of supportive nutrition services to help meet the needs of older adults and people with disabilities, thus preventing malnutrition and improving their overall health.

The goals and objectives of the NYSOFA Agreement and the Agreements with the Contractors are to direct funds to support nutrition and nutrition related services for older adults 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 Agreement and the Agreements with the Contractors 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 and delay or divert them from institutionalization, thereby reducing Medicaid costs to the County.

The goals and objectives of the NYSOFA Agreement 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.

The NYSOFA Agreement does not constitute procurement and as such is not subject to the requirements of the Westchester County Procurement Policy. The Agreements with WJCS and the YWCA of Yonkers constitute non-competitive procurements in accordance with 2 CFR§ 200.320 (c)(2), in that due to the nature and extent of the services being provided by each Contractor, the services being provided under each IMA are only available from those single sources. In addition, the proposed Agreements are also exempt from the Westchester County Procurement Policy and Procedures, pursuant to Section 3(a)(xix) thereof, regarding nutritional support services to seniors.

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

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 a grant agreement with the New York State Office for the Aging ("NYSOFA"), to accept an amount not to exceed \$406,157 in federal Consolidated Appropriations Act, HDC5 ("CA Act - HDC5") grant funds made available to the County from NYSOFA. The CA Act - HDC5 federal funds will be used for services to be provided in accordance with Title III-C-2 of the Older Americans Act ("OAA"), for the term commencing retroactive to December 27, 2020 and continuing through September 30, 2022. The grant funds may be used for any eligible service under New York State's Major Disaster Declaration ("MDD") until the date the MDD was lifted, and for the period after that date the funds must be utilized pursuant to Title III-C-2 of the OAA requirements and include home-delivered nutrition services to help seniors remain in their homes and community; and be it further

RESOLVED, that County is authorized to enter into agreements (the "Agreements") with Westchester Jewish Community Services, Inc. (the "WJCS") and The Young Women's Christian Association of Yonkers ("YWCA of Yonkers") (collectively, the "Contractors") to provide nutrition and nutrition-related services in accordance with Title III-C-2 of the OAA (the "Programs" or "Services"), for an aggregate amount not to exceed \$8,122 in CA Act - HDC5 federal funds, with each Contractor to be awarded an amount not to exceed \$4,061, payable pursuant to an approved budget. The Agreements shall commence retroactive to December 27, 2020 and continue through September 30, 2022; and be it further

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

RESOLVED, that the Agreements 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 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 Agreements with WJCS and YWCA of Yonkers, or to renegotiate the amounts and rates approved therein. If the County subsequently offers to pay a reduced amount to WJCS and YWCA of Yonkers, then WJCS and YWCA of Yonkers shall have the right to terminate their respective Agreements 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 Charged/Credited | Fund | Dept. | Major Program, Program & Phase Or Unit | Object/ Sub-Object | Trust Account | Dollars |
|--------------------------------|------|-------|--|--------------------|---------------|-----------|
| Credited | 263 | 85 | W031 | 9853 | G031 | \$406,157 |
| Charged | 263 | 85 | W031 | 4380 | G031 | \$8,122 |

Budget Funding Year(s) 2020 - 2022 Start Date 12/27/2020 End Date 9/30/2022
 (must match resolution)

Funding Source Tax Dollars: \$0
 State Aid: \$0
\$406,157 Federal Aid: \$406,157
 (must match resolution)

APPROVED BOARD OF ACQUISITION & CONTRACT - 05/19/2022 - RAYMOND SULLIVAN, SECRETARY