

ACT 45 - 2023

**HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER**

DRAFT
GRANT AGREEMENT
ON FILE

Your Committee is in receipt of a communication from the County Executive recommending the approval of an Act which, if approved, would authorize the County of Westchester (the “County”), acting by and through its Department of Senior Programs and Services (the “Department”), to enter into a grant agreement (the “Grant Agreement”) with the New York State Office for the Aging (“NYSOFA”), to accept grant funds made available to the County under Title III-B of the Older Americans Act (“OAA”), in the total aggregate not-to-exceed amount of \$60,465. The Grant Agreement will be for a term commencing retroactive to January 1, 2023 and continuing through December 31, 2023. Additionally, authority is requested for the County to exercise the second of its four (4) one-year renewal options under inter-municipal agreements (“IMAs”) with the City of New Rochelle and the City of Yonkers, for services to be funded under the Grant Agreement, in the total aggregate not-to-exceed amount of \$60,465, for a term commencing retroactive to January 1, 2023 and continuing through December 31, 2023 (the “Second Extension Term”). It should be noted that the amount allocated under the IMAs for the Second Extension Term will be determined at the discretion of the Commissioner of the Department of Senior Programs and Services.

Your Committee is advised that the services to be provided under the IMAs with the funds received under the Grant Agreement are information and assistance services to help seniors remain in their homes and community (the “Services”).

Your Committee is advised that the Department has complied with the Westchester County Procurement Policy and Procedures (the “Policy”), noting that the Grant Agreement with NYSOFA does not constitute a procurement and that the IMAs are exempt from the Policy pursuant to section 3(a) iii thereof which exempts contracts with “. . . any State and any political subdivision, agency or instrumentality thereof.” The IMAs are also exempt pursuant to section 3(a) xix of the Policy, which exempts “any procurement for the purpose of entering into a contract with persons to provide direct services to senior citizens.”

Your Committee is further advised that although procurement for these Services are exempt from the Policy, these Services are funded with Federal grant monies and, as

such, are subject to Federal procurement requirements (the “Federal Regulations”), pursuant to Section 13 of the Policy. The Federal Regulations (2 CFR§ 200.320), require that contracts in amounts greater than \$10,000 and up to \$250,000, be procured by obtaining price or rate quotations from an adequate number of qualified sources, unless such contracts are deemed to be “non-competitive” procurements. In furtherance of this requirement, on November 12, 2020, the Department issued a request for proposal (“RFP”) seeking qualified entities to provide the Services. Two (2) proposals were received in response to the RFP, one from the City of New Rochelle and the other from the City of Yonkers. After reviewing the proposals with reference to the evaluation criteria set forth in the RFP, your Honorable Board, by Act No. 82-2021, awarded IMAs to both municipalities for an initial term commencing on January 1, 2021 through December 31, 2021, with four (4) one-year renewal options exercisable at the County’s option. The IMAs were subsequently executed.

Thereafter, your Honorable Board, by Act No. 36-2022, authorized the County to exercise the first of its four (4) one-year renewal options under the IMAs to extend the terms thereof for an additional year commencing retroactive to January 1, 2022 and continuing through December 31, 2022 (the “First Extension Term”). The IMAs for the First Extension Term were subsequently executed with each municipality.

The County has determined that it will require the Services to continue for an additional year, from January 1, 2023 through December 31, 2023. However, the Federal Regulations (2 CFR§ 200.324 (a)), further require grantees to perform a price or cost analysis in order to test the market before exercising a renewal option. Accordingly, the County, through the Department, obtained price quotes for the Services from other potential service providers. Following this process, the Department is satisfied that the prices to be paid by the County to the City of New Rochelle and the City of Yonkers are reasonable. Accordingly, authority from your Honorable Board is requested to exercise the second of its four (4) one-year renewal options to renew the IMAs with the City of New Rochelle and the City of Yonkers for the provision of the Services for a term commencing retroactive to January 1, 2023 and continuing through December 31, 2023.

The Planning Department has advised that based on its review, the proposed agreement with NYSOFA and the proposed Second Extension Term under each IMA do not meet the definition of an "action" under the State Environmental Quality Review Act, 6 NYCRR part 617. As such, no environmental review is required. Please refer to the memorandum from the Department of Planning dated January 12, 2023, which is on file with the Clerk of the Board of Legislators.

Your Committee has been advised that the passage of the attached Act requires an affirmative vote of a majority of the members of your Honorable Board.

Your Committee believes that adoption of the proposed Act is necessary to effectively carry out this worthwhile program. Accordingly, after due consideration, your Committee recommends adoption of the annexed Act.

Dated: February 13, 2023
White Plains, New York

Colin Parker

Marye Pan

Vedat Faruk

Bob R

James Bill Johnson

[Signature]

COMMITTEE ON

C:\jg\1-10-23

Budget & Appropriations

[Signature]

Marye Pan

James Bill Johnson

Seniors & Youth

Dated: February 13, 2023
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Budget & Appropriations



Seniors & Youth



FISCAL IMPACT STATEMENT

SUBJECT: IIIB - for NR & Yonkers I & A Svcs only

NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

(To be completed by operating department and reviewed by Budget Department)

A) GENERAL FUND AIRPORT SPECIAL REVENUE FUND (Districts)

B) EXPENSES AND REVENUES

Total Current Year Cost \$ 60465

Total Current Year Revenue \$ 60465

Source of Funds (check one): Current Appropriations

Transfer of Existing Appropriations

Additional Appropriations

Other (explain)

Identify Accounts: 101-24-4957

263-85-T686

Potential Related Operating Budget Expenses: Annual Amount \$ 0

Describe: _____

Potential Related Revenues: Annual Amount \$ 60465

Describe: Funding received from the Federal Government under the Older American's Act.

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: The Department would not be able to provide Information & Assistance to Seniors in Westchester.


Next Four years:

Estimated to be same as above each year.

Prepared by: Sandra Brown

Title: Director of Program Development II

Department: Senior Programs & Svcs.

APD
Reviewed By: 

Budget Director

2/1/23

If you need more space, please attach additional sheets.

AN ACT authorizing the County of Westchester to enter into a grant agreement with the New York State Office for the Aging to accept grant funds under Title III-B of the Older Americans Act and also to exercise the second of its four (4) one-year renewal options under inter-municipal agreements with the City of New Rochelle and the City of Yonkers for information and assistance services

BE IT ENACTED by the Board of Legislators of the County of Westchester as follows:

Section 1. The County of Westchester (the "County") be and hereby is authorized to enter into a grant agreement (the "Grant Agreement") with the New York State Office for the Aging ("NYSOFA") to accept grant funds made available to the County under Title III-B of the Older Americans Act ("OAA") to provide information and assistance services to seniors (the "Services"), in the total aggregate not-to-exceed amount of \$60,465. The Grant Agreement will be for a term commencing retroactive to January 1, 2023 and continuing through December 31, 2023.

§2. The County is further authorized to exercise the second of its four (4) one-year renewal options under inter-municipal agreements ("IMAs") with the City of New Rochelle and the City of Yonkers, for the Services to be funded under the Grant Agreement, in the total aggregate not-to-exceed amount of \$60,465, for a term commencing retroactive to January 1, 2023 and continuing through December 31, 2023 (the "Second Extension Term").

§3. The amount of funding allocated for each IMA under the Second Extension Term shall be determined at the discretion of the Commissioner of the Department of Senior Services and Programs.

§4. The County Executive or his authorized designee is hereby empowered to execute all instruments and take all actions reasonable and necessary to effectuate the purposes hereof.

§5. This Act shall take effect immediately.

STATE OF NEW YORK)
) ss.
WESTCHESTER COUNTY)

I **HEREBY CERTIFY** that I have compared the foregoing Act, Act No. 45 - 2023, with the original on file in my office, and that the same is a correct transcript therefrom, and of the whole, of the said original Act, which was duly adopted by the County Board of Legislators, of the County of Westchester on March 6, 2023, and approved by the County Executive on March 9, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 10th day of March, 2023.



Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

