

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

**DRAFT
AGREEMENTS
ON FILE**

Your Committee is in receipt of a communication from the County Executive recommending the approval of an act (the “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 grant agreements (the “Grant Agreements”) with the New York State Office for the Aging (“NYSOFA”) to accept grant funds made available to the County under Titles III-B, III-C & the Nutrition Services Incentive Program (“NSIP”), III-D and III-E of the Older Americans Act (“OAA”), in the total aggregate not-to-exceed amounts set forth below. The Grant Agreements will be for a term commencing retroactive to January 1, 2021 and continuing through December 31, 2021, except for the grant agreement for NSIP which will commence retroactive to October 1, 2020 and continue through September 30, 2021. Additionally, authority is requested for the County to enter into inter-municipal agreements (“IMAs”) with the municipalities listed in Exhibit “A”, attached to the Act (the “Municipalities”), for services to be funded with the grants received from NYSOFA under the Grant Agreements in the total aggregate not-to-exceed amounts set forth below, for terms corresponding to the term of each grant.

Grant Amounts

Title III-B	Title III-C & NSIP	Title III-D	Title III-E
\$1,069,441	\$2,050,995	\$63,246	\$549,167

IMAs

Title III-B	Title III-C & NSIP	Title III-D	Title III-E
\$290,486	\$1,463,874	\$0	\$0

Your Committee is advised that the services to be provided under the IMAs with the funds received from the OAA for Titles III-B and III-C & NSIP are: (i) nutrition services such as congregate and home delivered meals; and (ii) nutrition education; equipment; supplies; vehicle expenses; access services such as information and assistance and transportation services (the “Services”). Your Committee is further advised that a portion of the grant funds under Title III-B and Titles III-C & NSIP service programs will be used directly by the Department for Area Agency Administration and that no Services will be provided under IMAs with the funds received

under the OAA for Titles III-D and III-E. Instead, this funding will be allocated for contracts with non-municipal agencies to provide various services to seniors.

Your Committee is advised that the Department has complied with the Westchester County Procurement Policy and Procedures (the "Policy"), noting that the Grant Agreements with NYSOFA do 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."

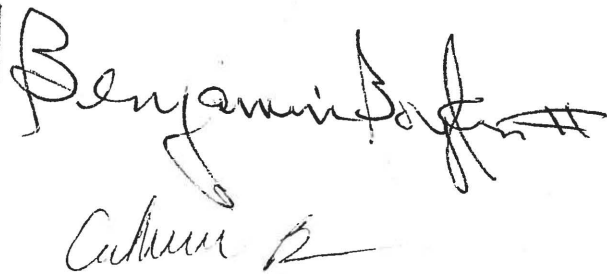
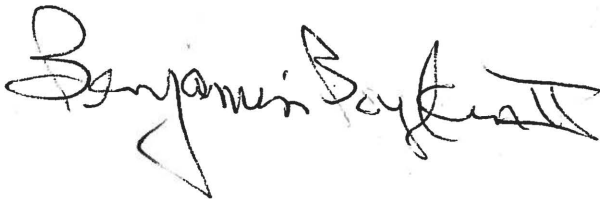
Notwithstanding that procurement for these services are exempt from the Policy, these Services are funded with Federal grant monies and as such are, pursuant to Section 13 of the Policy, subject to Federal procurement requirements. The Federal procurement regulations (2 CFR§ 200.320), require that contracts 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 the such contracts are deemed to be "non-competitive" procurements. In furtherance of the Federal procurement rules, on November 12, 2020, the Department issued a request for proposal ("RFP") to procure part of the Services, namely, information and assistance services. Two (2) proposals were received in response to the RFP from the City of New Rochelle and the City of Yonkers. After reviewing the proposals with reference to the evaluation criteria set forth in the RFP, authorization is being requested to award 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 Department will seek your Honorable Board's approval each year the County chooses to exercise its option. It should be noted that because the remaining Services are being provided directly by the respective Municipalities using their own resources (i.e., senior centers, buses, food service providers, equipment, etc.), these Services constitute non-competitive procurements in accordance with 2 CFR§ 200.320 (f)(1), in that due to the nature and extent of the services being provided by each municipality, the services are only available from those single sources.

The Planning Department has advised that based on its review, the proposed agreements with NYSOFA and the proposed IMAs do not meet the definition of an "action" under the State Environmental Quality Review Act, 6 NYCRR part 617. Accordingly the Planning Department recommends that no further environmental review is required. Your Committee has reviewed the annexed SEQRA documentation and concurs with this conclusion.

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: 5/10, 2021
White Plains, New York


Columbus

COMMITTEE ON

C:jpg/3-05-21

Seniors, Youth &
Intergenerational
Services

Budget & Appropriations

Dated: May 10, 2021
White Plains, New York

The following members attended the meeting remotely, as per Governor Cuomo's Executive Order 202.1 and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Committee(s) on:

**SENIORS, YOUTH &
INTERGENERATIONAL SERVICES**

David A. Tubris

Alfreda Willis

Ty H. C.

BUDGET & APPROPRIATIONS

Vedat Galin

Nancy E. Pan

Margaret A. Conzio

Christy J.

Catherine F. Parker

David A. Tubris

Alfreda Willis

Ty H. C.

FISCAL IMPACT STATEMENT

SUBJECT: IIIB 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 \$ 1639058

Total Current Year Revenue \$ 1069441

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 \$ 569617

Describe: County Match Funds

Potential Related Revenues: Annual Amount \$ 1069441

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, Transportation, Legal Services; Public Information, Homemaker and In-Home Contact & Support to Seniors in Westchester.

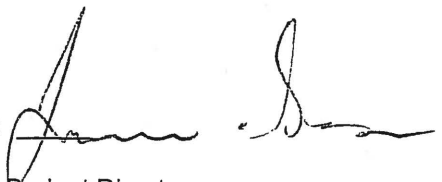
Next Four years:

Estimated to be same as above each year.

Prepared by: Sandra Brown

Title: Director of Program Development II

Department: Senior Programs & Svcs.

DAO
4/16/21
Reviewed By: 
Budget Director
4/19/21

If you need more space, please attach additional sheets.

FISCAL IMPACT STATEMENT

SUBJECT: IIIC1/NSIP 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 \$ 1587029

Total Current Year Revenue \$ 1354349

Source of Funds (check one): Current Appropriations

Transfer of Existing Appropriations Additional Appropriations Other (explain)

Identify Accounts: 101-24-4957

263-85-T941

Potential Related Operating Budget Expenses: Annual Amount \$ 232680

Describe: County Match Funds

Potential Related Revenues: Annual Amount \$ 1354349

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 seniors with Congregate Meals, Nutrition Education, Senior Center Recreation and Education and supplement regional kitchen equipment, repairs and supplies as needed.


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.

DAO
4/19/21
Reviewed By: 

Budget Director

4/19/21

If you need more space, please attach additional sheets.

FISCAL IMPACT STATEMENT

SUBJECT: IIC2/NSIP 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 \$ 786889

Total Current Year Revenue \$ 696646

Source of Funds (check one): Current Appropriations

Transfer of Existing Appropriations Additional Appropriations Other (explain)

Identify Accounts: 101-24-4957

263-85-T942

Potential Related Operating Budget Expenses: Annual Amount \$ 90243

Describe: County Match Funds

Potential Related Revenues: Annual Amount \$ 696646

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 Home Delivered Meals, Nutrition Education Nutrition Counseling and supplement regional kitchen equipment, supplies, repairs and vehicle expenses as needed.

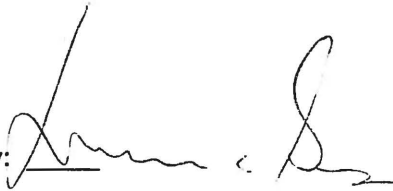
Next Four years:

Estimated to be same as above each year.

Prepared by: Sandra Brown

Title: Director of Program Development II

Department: Senior Programs & Svcs.

DJD 4/14/21
Reviewed By: 
Budget Director

If you need more space, please attach additional sheets.

FISCAL IMPACT STATEMENT

SUBJECT: IIID 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 \$ 95000

Total Current Year Revenue \$ 63246

Source of Funds (check one): Current Appropriations

Transfer of Existing Appropriations

Additional Appropriations

Other (explain)

Identify Accounts: 101-24-4957

263-85-T943

Potential Related Operating Budget Expenses:

Annual Amount \$ 31754

Describe: County Match Funds

Potential Related Revenues: Annual Amount \$ 63246

Describe: Funding is 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 Health & Wellness and Chronic Disease Self-Management programs to seniors in Westchester County.

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.

DA 4/16/21
Reviewed By: 

Budget Director

If you need more space, please attach additional sheets.

FISCAL IMPACT STATEMENT

SUBJECT: IIIE 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 \$ 770139

Total Current Year Revenue \$ 549167

Source of Funds (check one): Current Appropriations

Transfer of Existing Appropriations

Additional Appropriations

Other (explain)

Identify Accounts: 101-24-4957

263-85-T448

Potential Related Operating Budget Expenses:

Annual Amount \$ 220972

Describe: County Match Funds

Potential Related Revenues: Annual Amount \$ 549167

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 services under the National Family Caregiver Program; including caregiver and grandparent information, assistance, counseling, support groups, training and public information, assisted transportation and personal locator services.

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.

DLB
4/14/21

Reviewed By:




Budget Director

4/19/21

If you need more space, please attach additional sheets.

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

FROM: David S. Kvinge, AICP, RLA, CFM 
Director of Environmental Planning

DATE: April 12, 2021

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR AGREEMENTS FOR SENIOR SERVICES UNDER OAA TITLES III-B, III-C & NSIP, III-D, III-E**

PROJECT/ACTION: Agreements with New York State Office for the Aging (NYSOFA) to accept grant funds under Titles III-B, III-C-1, III-C-2 & Nutrition Services Incentive Program (NSIP), III-D, and III-E of the Older Americans Act (OAA) for 2021, with the exception of NSIP, which will be from October 2020 to September 2021. The action includes agreements with local municipalities for implementation of the services to be funded with IIB, III-C-1, II-C-2 & NSIP grants. Funds received under III-D and III-E will be allocated to non-municipal agencies for implementation of the senior services to be funded with these grants.

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no further environmental review is required because the project/action:

- DOES NOT MEET THE DEFINITION OF AN "ACTION" AS DEFINED UNDER SECTION 617.2(b)**
- MAY BE CLASSIFIED AS TYPE II PURSUANT TO SECTION 617.5(c)():**
-

COMMENTS: These are federal funding programs that are administered by the County's Department of Senior Programs and Services. The services provided under OAA Title III include: supportive services, nutrition services, disease prevention/health promotion services and family caregiver support services.

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Norma Drummond, Commissioner
Jeffrey Goldman, Senior Assistant County Attorney
Sharon Johnson, Program Administrator, Dept. of Senior Programs and Services
Claudia Maxwell, Associate Environmental Planner

ACT NO. 82 – 2021

AN ACT authorizing the County of Westchester to enter into grant agreements with the New York State Office for the Aging to accept grant funds under Titles III-B, III-C, the Nutrition Services Incentive Program (“NSIP”), III-D and III-E of the Older Americans Act and also to enter into inter-municipal agreements with local municipalities for services to be funded by Titles III-B, III-C & NSIP grants under the Older Americans Act.

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 grant agreements (the “Grant Agreements”) with the New York State Office for the Aging (“NYSOFA”) to accept grant funds made available to the County under Titles III-B, III-C & NSIP, III-D and III-E of the Older Americans Act (“OAA”), in the total aggregate not-to-exceed amounts set forth below. The Grant Agreements will be for a term commencing retroactive to January 1, 2021 and continuing through December 31, 2021, except for the grant agreement for NSIP which will commence retroactive to October 1, 2020 and continue through September 30, 2021:

Grant Amounts

Title III-B	Title III-C & NSIP	Title III-D	Title III-E
\$1,069,441	\$2,050,995	\$63,246	\$549,167

§2. The County is hereby further authorized to enter into inter-municipal agreements (“IMAs”) with the municipalities listed in Exhibit “A”, attached hereto and made a part hereof, for services to be funded by grants received by the County from NYSOFA under OAA, in the total aggregate not-to-exceed amounts set forth below, for terms corresponding to the term of each grant.

IMAs

Title III-B	Title III-C & NSIP	Title III-D	Title III-E
\$290,486	\$1,463,874	\$0	\$0

§3. The contract amounts for each IMA shall be determined at the discretion of the Commissioner of the Department of Senior Services and Programs.

§4. The services to be provided under the IMAs with the funds received under the OAA for Titles III-B and III-C & NSIP shall include: nutrition services such as congregate and home delivered meals; nutrition education; equipment; supplies; vehicle expenses; access services such as information and assistance, and transportation services.

§5. There will be no services provided under IMAs with the funds received under the OAA for Titles III-D and III-E. Instead, this funding will be allocated for contracts with non-municipal agencies to provide various services to seniors.

§6. 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.

§7. This Act shall take effect immediately.

EXHIBIT "A"

LIST OF MUNICIPALITIES AND SERVICES

GRANT: III-B	GRANTS: III-C-1, III-C-2 & NSIP
<u>SERVICES</u>	<u>SERVICES</u>
Assistance, Information, and Transportation	Meals and Other-Regional Kitchen Equipment, Supplies, Repairs & Vehicle Expenses
Town of Cortlandt	Town of Cortlandt
Town of Eastchester	Town of Eastchester
Town of Greenburgh	Town of Greenburgh
Town of Mamaroneck	Town of Mamaroneck
Village/Town of Mount Kisco	Village/Town of Mount Kisco *
Town of Mount Pleasant	Town of Mount Pleasant
City of Mount Vernon	City of Mount Vernon *
City of New Rochelle*	City of New Rochelle
Town of Ossining	Town of Ossining
City of Peekskill	City of Peekskill *
Village of Port Chester	Village of Port Chester
Town of Somers	Town of Somers
City of White Plains	City of White Plains
City of Yonkers*	City of Yonkers
Town of Yorktown	Town of Yorktown *

Note:

- ALL municipalities listed above under Title III-B will provide Transportation Services, EXCEPT that ONLY those marked with an asterisk (*) will also provide Information and Assistance
- ALL municipalities listed above under III-C-1, III-C-2 & NSIP will provide Meals, EXCEPT that ONLY those marked with an asterisk (*) will also provide Other-Regional Kitchen Equipment, Supplies, Repairs & Vehicle Expenses

STATE OF NEW YORK)
) ss.
WESTCHESTER COUNTY)

I HEREBY CERTIFY that I have compared the foregoing Act, Act No. 82 - 2021, 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 May 10, 2021, and approved by the County Executive on May 11, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 18th day of May, 2021.



Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

