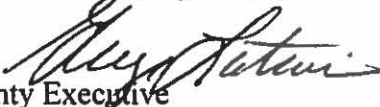


February 2, 2023

TO: Hon. Catherine Borgia, Chair
Hon. Nancy Barr, Vice Chair
Hon. Christopher Johnson, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: **Message Requesting Immediate Consideration: Act – Enter into Grant Agreement w/NYSOFA to Accept Title III-B Federal Grant Funds.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators February 6, 2023 Agenda.

Transmitted herewith for your review and approval is an Act which, if adopted by your Honorable Board, 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”),

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for February 6, 2023 “blue sheet” calendar.

Thank you for your prompt attention to this matter.

George Latimer
County Executive

February 2, 2023

Westchester County Board of Legislators
800 Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Dear Honorable Members of the Board of Legislators:

Transmitted herewith for your review and approval is an Act which, if adopted by your Honorable Board, 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 each IMA for the Second Extension Term will be determined at the discretion of the Commissioner of the Department of Senior Programs and Services.

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 Honorable Board 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."

Although procurement for these Services is 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 term of each IMA 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 agreements with NYSOFA and the proposed IMAs described above 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.

The proposed Grant Agreement with NYSOFA and the IMAs are intended to benefit the County by assisting in the provision of grant-funded services to County residents. Accordingly, I believe the proposed Grant Agreement with NYSOFA and the proposed IMA extensions are in the best interest of the County and, therefore, recommend your favorable action on the annexed proposed Act.

Sincerely,



George Latimer
County Executive

GL/MC/SJ/jpg
Attachments

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

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: _____, 2023
White Plains, New York

COMMITTEE ON

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.

AJD

Reviewed By:



Budget Director

2/1/23

If you need more space, please attach additional sheets.

ACT NO. 2023 - _____

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.

THIS SECOND AMENDMENT made the ____ day of _____, 2023 by and between:

THE COUNTY OF WESTCHESTER, a municipal corporation of the State of New York, having an office and place of business in the Michaelian Office Building, 148 Martine Avenue, White Plains, New York, 10601 (hereinafter referred to as the "County")

and

THE CITY OF _____, a municipal corporation organized under the laws of the State of New York, having an office and principal place of business at _____ (hereinafter referred to as the "Municipality" and the Municipality and the County shall be collectively referred to as the "Parties")

WITNESSETH:

WHEREAS, the County and the Municipality entered into that certain agreement ("Agreement"), dated on or about July 19, 2021, whereby the Municipality agreed to provide Information and Assistance services in accordance with Title I, Section 102(28) and Title III, Part B, Section 321 (a)(3) of the Older Americans Act, as amended, and its implementing regulations, 45 CFR Part 1321 et seq. ("OAA"), and New York State Office for the Aging ("NYSOFA") Program Instruction No. 14-PI-02 (the "Program"), for the period from January 1, 2021 through December 31, 2021 (the "Initial Term"), for an amount not to exceed \$ _____ in federal funds, with the County having the option to renew the Agreement for up to four (4) additional extension terms of one (1) year each (each an "Extension Term"); and

WHEREAS, the Parties entered into a first amendment to the Agreement ("First Amendment") pursuant to which the County, among other things, exercised the first of its four (4) options to extend the term of the Agreement for the period from January 1, 2022 through December 31, 2022 for an amount not-to-exceed \$ _____ (the "First Extension Term"); and

WHEREAS, the Parties now desire to enter into this second amendment ("Second Amendment") to the Agreement so that the County may, among other things, exercise the second of its four (4) options to extend the term of the Agreement for the period from January 1, 2023 through December 31, 2023 for an amount not-to-exceed \$ _____ (the "Second Extension Term"); and

WHEREAS, the County has received authority from the Westchester County Board of Legislators to exercise the second of its four renewal options under the Agreement with the Municipality for the 2023 program term; and

NOW, THEREFORE, in consideration of the terms, conditions, covenants, and agreements contained herein, the Parties agree as follows:

1. The term of the Agreement is hereby extended for an additional one (1) year period, commencing on January 1, 2023 and terminating on December 31, 2023 (the "Second Extension Term").

2. During the Second Extension Term, the Municipality shall continue to provide the Program services referenced in Paragraph "1" of the Agreement.

3. In consideration for the Program services to be rendered during the Second Extension Term, the Municipality shall be paid an amount not exceed \$ _____, for actual services provided and data entered in NYSOFA's PeerPlace System in accordance with the agreed-upon unit costs set forth in Schedule "B-2", attached hereto and made a part hereof.

4. The Contractor is required to contribute \$ _____ in matching funds to the Program.

5. The Municipality agrees to sign the attestation attached hereto as Schedule "C-2" and made a part hereof, to comply with the Targeting and updated Poverty Guidelines as set forth therein, and furnish the County with the Westchester County Grant Funding for 2023 as specified therein.

6. The Agreement is hereby further amended by incorporating the updated Standard Assurances, as mandated by the NYSOFA, including but not limited to, a revised list of federal and state statutes, regulations, policies and contract provisions applicable to the Program, which are attached hereto and made a part hereof as Schedule "E-2". Municipality agrees to fully comply with these updated Standard Assurances.

7. The Municipality shall furnish to the County updated insurance certificates evidencing coverage for the Second Extension Term as required under the Agreement.

8. The Municipality agrees to furnish the County with a copy of the organization-wide audit and to comply with the Plan for Audit as required under the Agreement.

9. Except as otherwise expressly provided herein, all other terms and conditions of the Agreement shall remain in full force and effect upon the Parties.

10. This Second Amendment shall not be effective until signed by both Parties and approved by the Office of the County Attorney.

IN WITNESS WHEREOF, the County of Westchester and the Municipality have caused this Second Amendment to be executed.

THE COUNTY OF WESTCHESTER

By _____
Mae Carpenter, Commissioner
Department of Senior Programs and Services

THE CITY OF _____

By _____
(Signature)

(Name)

(Title)

Approved by the Board of Legislators of the County of Westchester pursuant to Act _____ - 2023 adopted on the _____ day of _____, 2023.

Approved by:

Sr. Assistant County Attorney
The County of Westchester

ACKNOWLEDGMENT

STATE OF _____)
) ss.:
COUNTY OF _____)

On the _____ day of _____ in the year 2023 before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Date: _____
_____ Notary Public

CERTIFICATE OF AUTHORITY
(MUNICIPALITY)

I, _____,
(Official other than official signing Agreement)

certify that I am the _____ of
(Title)
the _____
(Name of Municipality)

a Municipal Corporation duly organized and in good standing under the laws of the State of New
York that _____
(Person executing Agreement)

who signed said Agreement on behalf of the _____
(Name of Municipality)

was, at the time of execution _____ of the Municipal Corporation
(Title of such person)

and that said Agreement was duly signed for and on behalf of said Municipal Corporation by
authority of its governing board, thereunto duly authorized and that such authority is in full force
and effect at the date hereof.

(Signature)

STATE OF NEW YORK)
) ss.:

COUNTY OF _____)
On the _____ day of _____ in the year 2023 before me, the undersigned, a

Notary Public in and for said State, _____ personally
appeared, personally known to me or proved to me on the basis of satisfactory evidence to be
the officer described in and who executed the above certificate, who being by me duly sworn did
depose and say that he/she resides at _____
and he/she is an officer of said municipal corporation; that he/she is duly authorized to execute
said certificate on behalf of said corporation, and that he/she signed his/her name thereto
pursuant to such authority.

Notary Public
Date:

INSERT SCHEDULES "B-2" & "C-2"

DRAFT

SCHEDULE "E-2"

NEW YORK STATE OFFICE FOR THE AGING

STANDARD ASSURANCES

ATTACHMENT A

**The 2022-23 ANNUAL UPDATE to the 2020-24 FOUR YEAR PLAN,
April 1, 2022- March 31, 2023**

DRAFT