

**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, 2022 and continuing through December 31, 2022. Additionally, authority is requested for the County to exercise the first 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, 2022 and continuing through December 31, 2022. It should be noted that the amount allocated for each IMA 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 procurement of 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 Regulations”). 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 Information and Assistance services. Two (2) proposals were received in response to the RFP, one from the City of New Rochelle and the other 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 Department has determined that it will require the Services to continue for an additional year, from January 1, 2022 through December 31, 2022. 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 prices 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, and accordingly, seeks authority from your Honorable Board to exercise the first 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, 2022 and continuing through December 31, 2022.

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. As such, no environmental review is required. Please refer to the memorandum from the Department of Planning dated January 14, 2022, 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: April 18, 2022
White Plains, New York

[Handwritten signatures: Ty Hill, Nancy Barr, James Z. ...]

[Handwritten signatures: Dan ... Nancy Barr, James Z. ...]

C:jpg/3-08-22
COMMITTEE ON
Budget & Appropriations

Seniors & Youth

Dated: April 18, 2022
White Plains, New York

The following members attended the meeting remotely, pursuant to Chapter 56 of the New York State Laws of 2022, and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Committee(s) on:

Budget & Appropriations

Mary Jane Skimsky

Klamm R. Maher

Ron Am

Catherine F. Parker

Jeff Rein

David A. Jubist

Seniors & Youth

David A. Jubist

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

Reviewed By: 

Title: Director of Program Development II

Budget Director

Department: Senior Programs & Svcs.

3/23/02

If you need more space, please attach additional sheets.

ACT NO. 36 – 2022

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 first 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, in the total aggregate not-to-exceed amount of \$60,465. The Grant Agreement will be for a term commencing retroactive to January 1, 2022 and continuing through December 31, 2022.

§2. The County is further authorized to exercise the first 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 information and assistance services for seniors 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, 2022 and continuing through December 31, 2022.

§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 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 FIRST AMENDMENT made the _____ day of _____, 2022 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 NEW ROCHELLE, a municipal corporation organized under the laws of the State of New York, having an office and principal place of business at 95 Davis Avenue, New Rochelle, New York, 10805

(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 _____, 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 \$26,814 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"). All capitalized terms used herein and not otherwise defined hereto shall have the meaning(s) set forth in the Agreement; and

WHEREAS, the Parties now desire to enter into this first amendment ("First Amendment") for, among other things, (i) the County's exercise of the first of its four (4) options to extend the term of the Agreement, for the period from January 1, 2021 through December 31, 2021 (the "First Extension Term"), at the same not to exceed amount as in the Initial Term; and (ii) add certain updated Standard Assurances, including a revised list of federal and state statutes, regulations, policies and certain contract provisions as required by NYSOFA for compliance with all contract requirements.

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, 2022 and terminating on December 31, 2022 (the "First Extension Term").

2. During the First 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 First 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 as set forth in Schedule "B-1" (the "Budget") that is either, a.) attached hereto, and made a part hereof, or b.) a Repository Document.

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-1" 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 2022 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-1". Municipality agrees to fully comply with these updated Standard Assurances.

7. Municipality shall furnish to the County updated insurance certificates evidencing coverage for the First 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 First 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 First Amendment to be executed.

THE COUNTY OF WESTCHESTER

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

CITY OF NEW ROCHELLE

By _____
(Signature)

(Name)

(Title)

Approved by the Board of Legislators of the County of Westchester pursuant to Act _____ - 2022 adopted on _____, 2022.

Approved as to form and manner of execution:

Sr. Assistant County Attorney
The County of Westchester

INSERT SCHEDULES "B-1" & "C-1"

DRAFT

SCHEDULE "E-1"

NEW YORK STATE OFFICE FOR THE AGING

STANDARD ASSURANCES

ATTACHMENT A

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

DRAFT

STATE OF NEW YORK)
)
WESTCHESTER COUNTY) ss.

I HEREBY CERTIFY that I have compared the foregoing Act, Act No. 36 - 2022, 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 April 25, 2022, and approved by the County Executive on April 27, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 28th day of April, 2022.



Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

