

**95473**

**DATE:** August 17, 2022

**TO:** Board of Acquisition and Contract

**FROM:** Mae Carpenter, Commissioner  
Department of Senior Programs and Services

**RE:** Request for authority for the County of Westchester to amend an agreement with Family Service Society of Yonkers to provide Family Caregiver Support Services under Title III-E of the Older Americans Act in order to exercise the fourth Option Term to extend the term of the Agreement for a four-month period beginning on January 1, 2022 and continuing through April 30, 2022 for an amount not-to-exceed \$13,930, with Family Service Society of Yonkers contributing \$4,644 in matching funds.

By resolution approved on August 9, 2018 (the "August 9<sup>th</sup> Resolution") your Honorable Board authorized the County of Westchester (the "County") acting by and through its Department of Senior Programs and Services (the "Department"), to enter into an agreement (the "Agreement") with Family Service Society of Yonkers. ("FSSY" also the "Contractor") for the purpose of providing Family Caregiver Support Services for Westchester County grandparents/relative caregivers, 55 and older of children under 18 years old in accordance with Title III-E of the Older Americans Act (the "Services" or "Program"), for the period beginning July 1, 2018 through December 31, 2018 (the "Initial Term"). Federal funding to provide the Program under the Initial Term was for an amount not to exceed \$37,822, payable based on the agreed upon unit cost for actual services provided and data entered in New York State Office for the Aging's ("NYSOFA's") PeerPlace System, which could, at the County's sole and complete discretion, include an optional increase or decrease of available funds, which would impact the not-to-exceed amount of the Agreement. FSSY was also required to contribute \$12,607 in matching funds to the Program. The Agreement was subsequently executed.

The August 9<sup>th</sup> Resolution also stipulated that the County, in its sole discretion, could extend the term of the Agreement for up to four (4) additional one (1) year periods (each an "Option Term") on the same terms and conditions as the Initial Term, subject to the availability of funds, acceptable past performance, the County obtaining all necessary legal approvals and the County's determination that an extension would be in its best interest, and subject to the prior approval of your Honorable Board. The August 9<sup>th</sup>

Resolution further noted that funding could vary from year to year, and that each subsequent Option Term will begin on January 1<sup>st</sup> through December 31<sup>st</sup>.

Thereafter, by resolution approved on March 28, 2019, your Honorable Board authorized the County to amend the Agreement with the Contractor to provide the Program in order to extend the term of the Agreement for an additional one-year period beginning on January 1, 2019 and continuing through December 31, 2019 (the "First Option Term") in an amount not to exceed \$45,100 in federal funds (the "First Amendment"), with the Contractor contributing \$15,034 in matching funds. The First Amendment was subsequently executed.

Thereafter, by resolution approved on April 2, 2020, your Honorable Board authorized the County to amend the Agreement with the Contractor to provide the Program in order to 1) extend the term of the Agreement for an additional one-year period beginning on January 1, 2020 and continuing through December 31, 2020 (the "Second Option Term") in an amount not to exceed \$45,100 in federal funds, with the Contractor contributing \$15,034 in matching funds; and 2) to incorporate a questionnaire entitled Questionnaire Regarding Business Enterprises Owned and Controlled by Service-Disabled Veterans as required by the County (the "Second Amendment"). The Second Amendment was subsequently executed.

Thereafter, by resolution approved on April 8, 2021, your Honorable Board authorized the County to amend the Agreement with the Contractor to provide the Program in order to extend the term of the Agreement for an additional one-year period beginning on January 1, 2021 and continuing through December 31, 2021 (the "Third Option Term") in an amount not to exceed \$45,100 in federal funds, with the Contractor contributing \$15,034 in matching funds (the "Third Amendment"). The Third Amendment was subsequently executed.

The County has determined that it requires the Services for the 2022 calendar year, and the Contractor has satisfactorily provided the Program for the Initial Term and subsequent amendments. However, NYSOFA changed the service definitions for the 2022 program period. As such, it became necessary for the Department to issue an RFP for the newly defined services for the 2022 calendar year. In the interim, the Contractor has agreed to continue to provide the Services until a new service provider is selected to provide the newly defined services. Accordingly, the County now seeks the authority of your Honorable Board to amend the Agreement with FSSY to provide the Program in order to exercise the fourth Option Term to extend the term of the Agreement, noting that the fourth Option Term will be for a four-month period beginning on January 1, 2022 and continuing through April 30, 2022 (the "Fourth Option Term") in an amount not-to-exceed \$13,930, with the Contractor contributing \$4,644 in matching funds (the "Fourth Amendment").

The Agreement with the FSSY is exempt from the Westchester County Procurement Policy pursuant to Section 3(a) xix thereof. However, it is subject to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (the "Federal Procurement Regulations"), which requires a competitive

procurement. Since the Department procured the services with the Contractor through a Request for Proposals dated April 23, 2018 with a due date of May 15, 2018, the County has satisfied the requirements of the Federal Procurement Regulations.

For the 2021 program year, the Contractor provided the following units of services: 401 Assistance, 319 Information, 202 Support Groups, 76 Training, 215 Counseling, 1 Outreach and 86 Public Information.

Except as specifically to be amended as described herein, all other terms and conditions set forth in the Agreement would remain in full force and effect.

Accordingly, I recommend adoption of the proposed resolution.

MC/SJ

APPROVED BOARD OF ACQUISITION & CONTRACT - 09/08/2022 - RAYMOND SCULKY, SECRETARY

## 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 further amend its agreement (the "Agreement") with Family Service Society of Yonkers ("FSSY" also the "Contractor") to provide Family Caregiver Support Services for Westchester County grandparents/relative caregivers, 55 and older of children under 18 years old, in accordance with the applicable provisions of Title III-E of the Older Americans Act, as amended, ("Program" or "Services") in order to exercise the fourth Option Term to extend the term of the Agreement for a four-month period beginning on January 1, 2022 and continuing through April 30, 2022 for an amount not-to-exceed \$13,930 in federal funds, payable based on the agreed-upon unit-cost for actual services provided and data entered in the New York State Office for the Aging's ("NYSOFA's") PeerPlace System, with FSSY contributing \$4,644 in matching funds; and be it further

**RESOLVED**, that except as specifically amended hereby, all other terms and conditions set forth in the Agreement, as previously amended, shall remain in full force and effect; 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.

Agreement: \$37,822  
 First Amendment: \$45,100  
 Second Amendment: \$45,100  
 Third Amendment: \$45,100  
 Fourth Amendment: \$13,930  
 Total: \$187,052

Account to be charged	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	263	85	448X	4380	T448	\$13,930
Budget Funding Year(s) (must match resolution)	<u>2022</u>		Start Date	<u>1/1/2022</u>	End Date	<u>04/30/2022</u>
Funding Source	Tax Dollars		<u>\$ 0</u>			
	State Aid		<u>\$ 0</u>			
<u>\$13,930</u> (must match resolution)	Federal Aid		<u>\$13,930</u>			