



Kenneth W. Jenkins
County Executive

Department of Social Services
Leonard G. Townes
Commissioner

111241

DATE: June 2, 2025

TO: Honorable Board of Acquisition and Contract

FROM: Leonard G. Townes
Commissioner

SUBJECT: Resolution authorizing the County of Westchester to retroactively enter an agreement with Maxim of New York, LLC for the provision of Consumer Directed Personal Assistance Program Services for the period beginning April 1, 2025 and terminating June 6, 2025 for an amount not to exceed \$15,000, payable based on the New York State Medicaid Rate, pursuant to an approved budget and subject to appropriation

Authorization of your Honorable Board is hereby requested for the County of Westchester ("County") to retroactively enter into an agreement with Maxim of New York, LLC ("Maxim") pursuant to which Maxim will provide Consumer Directed Personal Assistance Program ("CDPAP") services for the period beginning April 1, 2025 and terminating June 6, 2025 for an amount not to exceed \$15,000 pursuant to an approved budget (DSS8000CD-25; the "Agreement").

By way of background, The New York State Fiscal Year 2024-25 Enacted budget amended Social Services Law Section 365-f (4-a) to require the NYS Commissioner of Health to contract with a single Statewide Fiscal Intermediary ("SFI") to provide fiscal intermediary services to CDPAP consumers. Public Partnerships LLC ("PPL") was selected as the vendor authorized to provide fiscal intermediary services on a statewide basis per Social Services Law section 365-f. At the direction of the NYS Commissioner of Health, the Westchester County Department of Social Services ("Department") terminated all prior existing CDPAP agreements with an effective termination date of March 31, 2025. On April 10, 2025, a Preliminary Injunction was filed by the United States District Court Eastern District of New York. This Stipulation and Order allows for Consumers to temporarily continue receiving services and Personal Assistants ("PA's") to continue to be paid while Consumers and PA's fully transition to PPL, the SFI.

DSS received one request from a CDPAP Consumer to stay with their prior Fiscal Intermediary, Maxim of New York, LLC because the Consumer has not completed the registration with PPL.

Pursuant to the Agreement, the County will pay Maxim based on the New York State Medicaid Rate, pursuant to an approved budget and subject to appropriation.

The CDPAP rates are set by the New York State Department of Health based on cost data supplied by providers. The Department of Social Services requests authority from your Honorable Board to conform the contract rates to the revised CDPAP rates should such rates change during the contract term.

The procurement of the proposed Agreement is exempt from the Westchester County Procurement Policy pursuant to Section 3(a) (viii) thereof which exempts contracts for medical or health-related services.

The Agreement serves a public purpose by providing a temporary arrangement for Consumers and Personal Assistants to continue to provide and receive CDPAP services while they fully transition to the SFI, thus ensuring continuity of services, and quality of life for the chronically ill and the disabled of Westchester County.

The goals and objectives of the agreement are to allow Consumers and PA's temporary relief while transitioning to the SFI, ensuring that the Consumer will continue to receive the CDPAP services, and the Personal Assistant will continue to be paid for the CDPAP services provided, while they complete the registration and fully transition to the SFI.

These goals and objectives are in the best interest of the County in regards to public health in that this agreement provides a temporary arrangement for a chronically ill and/or physically disabled Consumer in Westchester County, and their PA that have not fully transitioned to the SFI to continue to receive and provide CDPAP services, while they complete and finalize the registration with PPL.

The goals and objectives are monitored on an on-going basis using compliance indicators established through the collaboration of the Department and an independent auditor.

Accordingly, the County of Westchester is requesting authority to retroactively enter into the agreement with Maxim for the aforesaid purpose.

A resolution requesting the same is attached for your Honorable Board's approval.

LGT/mg

RESOLUTION

Upon a communication from the Commissioner of the Department of Social Services, be it hereby

RESOLVED, that the County of Westchester is hereby authorized to enter an agreement with Maxim of New York, LLC ("Maxim") pursuant to which Maxim will provide Consumer Directed Personal Assistance Program ("CDPAP") services for the period beginning April 1, 2025 and terminating June 6, 2025 for an amount not to exceed \$15,000 (DSS8000CD-25; the "Agreement"). Pursuant to the Agreement, the County will pay Maxim based on the New York State Medicaid Rate, pursuant to an approved budget and subject to appropriation; and be it further

RESOLVED, that the County of Westchester is hereby authorized to conform the contract rates to the revised CDPAP rates should such rates change during the contract term; and be it further

RESOLVED, that these contracts are subject to County Appropriation; and be it further

RESOLVED, that these Agreements are also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of these Agreements. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate these Agreements or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Contractor, then the Contractor shall have the right to terminate the Agreement upon reasonable prior written notice; and be it further

RESOLVED, that the County Executive or his authorized designee is empowered to execute any document necessary to implement this resolution.

Account to be Charged/Credited:

Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars
101	22	8900	5650		\$15,000

Budget Funding Year(s): 2025

Start Date: 4/1/2025 End Date: 6/6/2025

(must match resolution)

Funding Source:

Federal	50%	CFDA#(s)	93.778		
State	50%	State ID#(s)			
Operating/ Tax Levy					
Capital					

Total NTE: \$15,000

(must match resolution)