

112961

DATE: January 30, 2026

TO: The Honorable Board of Acquisition and Contract

FROM: Sherlita Amler, M.D.
Commissioner of Health

Re: Authority for the County of Westchester, acting by and through its Department of Health, to enter into an Agreement with Aquabilities with Jennifer, LLC, pursuant to which Aquabilities will support Community Accessibility & Inclusion activities for Children & Youth with Special Health Care Needs by providing the opportunity to increase social and physical activity through adaptive swimming lessons, for the period commencing upon execution by the parties and approval from the office of the County attorney and continuing through September 30, 2026, for a total amount not-to-exceed \$167,193, pursuant to an approved budget, payable according to the service and equipment rates.

Authority is respectfully requested from your Honorable Board for the County of Westchester (the "County"), acting by and through its Department of Health (the "WCDH"), to enter into an agreement with Aquabilities with Jennifer, LLC ("Aquabilities"), pursuant to which Aquabilities will support Community Accessibility & Inclusion ("CAI") activities for Children & Youth with Special Health Care Needs by providing the opportunity to increase social and physical activity through adaptive swimming lessons ("Services"), for the period commencing upon execution by the parties and approval from the office of the County attorney and continuing through September 30, 2026, for a total amount not-to-exceed \$167,193, pursuant to an approved budget, payable according to the service and equipment rates. ("Agreement").

The Agreement will serve a public purpose to increase the health and welfare of children & youth with special needs ("CYSN") and their families by providing an opportunity to increase socialization, physical health and independence through supervised adaptive swimming instruction.

Funding for this Agreement will come from CAI portion of the NYSDOH CYSHCN grant which has been earmarked to support this activity.

It has been documented that social and physical activities such as adaptive swimming can improve the quality of life for CYSN through the therapeutic benefits of water activities. Aquabilites specializes in and has several years' experience in teaching CYSN. Its instructors are professionals in education, social work, psychology, and physical and occupational therapy to name a few.

The goals and objectives of the Agreement are to remove persistent barriers to accessing safe, inclusive recreational opportunities - particularly in aquatic environments, where physical inaccessibility, limited adaptive equipment, and lack of specialized training often prevent full participation, by expanding this opportunity to CYSN by preventing potential drownings of young children, both in-home and in other settings, by providing customized adaptive swimming instruction in a supportive and caring environment, by utilizing the therapeutically beneficial effects of water to relax muscle tone, improving balance and coordination and providing the opportunity to swim safely throughout their lifespan.

The goals and objectives of the Agreement will be tracked and monitored by the WCDH through review of CYSN accomplishment reports provided by Aquabilities and collaboration with WCDH CSN professional staff.

Pursuant to federal purchasing rules, 2 CFR Part 200.300 (2), since this procurement falls under small purchase procedures (> \$10,000 up to \$250,000), the non-federal entity ("WCDH") must comply with these procedures in which "price or rate quotations must be obtained from an adequate number of qualified sources as determined appropriate by the WCDH." The WCDH solicited two additional quotations from qualified sources it deemed appropriate for the services proposed by Aquabilities. Aquabilities' quotation was lowest among the most classes/timeframes suitable for CYSN including more flexible lesson options and variety of skilled professionals, and therefore deemed to best meet the interests of the CYSN. In addition, it has the funding to grant scholarships to CYSN after they leave the contracted program. Therefore, the WCDH believes it has complied with the federal small purchase procedures.

In addition, this Agreement is exempt from the Westchester County Procurement Policy and Procedures under Section 3 (a) xvii, any procurement "for the purposes of entering into a contract or contracts with persons to provide care, treatment, counseling or referral or rehabilitative or preventative services to individuals with mental illness, intellectual/developmental disabilities, and those experiencing addiction and/or substance abuse".

Accordingly, authority is respectfully requested from your Honorable Board for the County to enter into this Agreement.

SA/dc
Attachment

RESOLUTION

Upon a communication from the Commissioner of Health, it is hereby

RESOLVED, that the County of Westchester (the "County"), acting by and through its Department of Health, is authorized to enter into an Agreement with Aquabilities with Jennifer, LLC ("Aquabilities"), pursuant to which Aquabilities will support Community Accessibility & Inclusion ("CAI") activities for Children & Youth with Special Health Care Needs by providing the opportunity to increase social and physical activity through adaptive swimming lessons, for the period commencing upon execution by the parties and approval from the office of the County attorney and continuing through September 30, 2026, for a total amount not-to-exceed \$167,193, pursuant to an approved budget, payable according to the service and equipment rates ("Agreement"); and, be it further

RESOLVED, that this Agreement is subject to County appropriations; and, be it further

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

RESOLVED, that the County Executive or his duly authorized designee is authorized and empowered to execute and deliver all instruments and take all actions necessary or appropriate to effectuate the purposes hereof.

Original Agreement	\$
First Amendment	\$
This Amendment	\$0
TOTAL	\$

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub-Object	Trust Account	Dollars
	263	27	A069	4380	T069	\$167,193

Budget Funding Year(s) (must match resolution) 2026 Start Date Upon execution End Date 09/30/26

Funding Source	Tax Dollars	
	State Aid	
\$167,193	Federal Aid	Federal indirect – pass thru NYSDOH

(must match resolution) Other _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 02/05/2026 - RAYMOND SCULKY, SECRETARY