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Robert P. Astorino  
County Executive

Department of Social Services

Kevin P. Mahon  
Commissioner

Date: May 28, 2010

To: Board of Acquisition and Contract

From: Kevin P. Mahon  
Commissioner of Social Services

Re: Authority to enter into an Assignment Agreement with The McQuade Foundation and Occupations, Inc. a licensed approved voluntary child care agency for the provision of institutional/group Foster Care, Adoption services for the term May 1, 2010 through June 30, 2010 in order for Occupations, Inc. to commence providing Foster Care services pursuant to its acquisition of The McQuade Foundation effective May 1, 2010

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Authority is requested for the County of Westchester to enter into an assignment agreement, to take effect May 1, 2010 with The McQuade Foundation. ("Assignor") and Occupations, Inc. ("Assignee") in order to assign an agreement dated May 20, 2009 for the provision of institutional/group foster care and adoption services between the County and The McQuade Foundation. The proposed assignment agreement is being requested because Occupations, Inc. acquired The McQuade Foundation as of May 1, 2010, including all of its foster care services capabilities and is able to provide the required services to the County for the term May 1, 2010 through June 30, 2010 at no additional cost to the County. It should be noted that all of the rights and obligations of the Agreement will be assigned to Occupations, Inc. as of the effective date. The assignment agreement will not release The McQuade Foundation from any obligation, duty or performance to the County of Westchester, relating to the services the Assignor has already provided to the County.

**The public purpose of this agreement** is to assure the safety, well being and permanency of children placed in foster care by equipping the Department with an adequate supply of institutional/group foster care facilities.

**The goals and objectives of this program** are to provide a foster care setting which best meets the needs of the children placed, while providing permanency planning as well as adoption and educational services. This assures the safety and security of children who have been temporarily removed from their families and placed in the temporary care and custody of the Commissioner of Social Services for their safety and well being. This contract will provide a support mechanism for “at risk” families and for children who cannot remain in the community.

**The goals and objectives are in the best interests of the County in terms of public safety** because Westchester County children have been temporarily removed from their families and placed in the temporary care and custody of the Commissioner of Social Services for their safety, well being and planning. This contract is considered a support mechanism for our “at risk” families for children who cannot remain in the community. Further, the program assists to keep the children off the street, thereby promoting the safety of the children as well as the community, by addressing and reducing the community issue of juvenile delinquency. The goals and objectives are in the best interests of the County because these children are less likely to get involved in violent activities as they are placed under good care. In addition, some of these children are provided special education depending on their needs. The program addresses and reduces school truancy and child substance abuse.

**The goals and objectives are in the best interests of the County in terms of public health & environment** because the children are placed in a safe and secure environment ensuring their health and well being. Medical needs of these children are met; emotional and other related issues are also addressed while the children are under care. Specialized services are also being provided to safely care for youth who have been abused or neglected and cannot be cared for in a family foster home setting offered by the Department. Further, services are also being provided to youth who have been adjudicated Juvenile Delinquent (JD) or Persons In Need of Supervision (PINS).

**The proposed Agreement is fiscally responsible** because the Department is adhering to the rates that are set and approved by New York State Office of Children and Family Services. The Department is required by regulation to provide these services at rates not lower than what is set by the State. The State reviews and adjusts rates at least once a year based on the actual annual expenditures involved in providing the various levels of care to the targeted population. This resolution, if approved, allows the Department to enter into contract with 60 different vendors who provide the myriad of services necessary to care for children at various levels of need such as Agency Board Home, Foster Boarding Homes, Group Homes, Group Residences, and Institutions.

**The negative consequence** of not entering into this assignment agreement will be that the children already placed with The McQuade Foundation will not receive continuous services and will have to be placed at an alternative foster care provider. They are currently placed appropriately and should continue to be so.

**The goals and objectives of this contract will be tracked and monitored** using the performance measurement indicators developed by the Department and approved by the County Budget Office. The program office will be responsible for setting the milestones and tracking their

achievements. They include, but are not limited to, the electronic submission of reports approved by the Budget Office and direct contact with the Department. The Department uses the Performance Measurement Indicators approved by the Westchester County Budget Office to evaluate the performance of the vendor and the effectiveness of the program.

This agreement is exempt from the Westchester County Procurement Policy pursuant to Section 3(a)(xviii) thereof.

Accordingly, your favorable action on the annexed Resolution authorizing an assignment agreement with The McQuade Foundation and Occupations, Inc. is respectfully recommended.

KPM/DI/di

APPROVED BOARD OF ACQUISITION & CONTRACT - 6-17-2010 - JOMARY VIEIRA, SECRETARY

# 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 into an assignment agreement with The McQuade Foundation and Occupations, Inc. to assign an Agreement between the County and The McQuade Foundation dated May 20, 2009 for the provision of foster care services for the term July 1, 2009 through June 30, 2010 (the “Agreement”) to Occupations, Inc. effective May 1, 2010; and be it further

**RESOLVED**, that the County Executive or his duly authorized designee is hereby authorized to take such action and execute such documents as may be necessary and proper to effectuate the purposes hereof.

Account to be Charged

	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
	N/A	N/A	N/A	N/A	N/A	N/A

Budget Funding Year(s): N/A Start Date: 5/1/10 End Date: 6/30/10  
 (must match resolution)

Funding Source Tax Dollars: N/A  
 State Aid: N/A  
\$N/A Federal Aid: N/A  
 (must match resolution) Other: N/A

APPROVED BOARD OF ACQUISITION & CONTRACTS 6-17-2010 - JOMAR VIEIRA, SECRETARY