



**Robert P. Astorino**  
County Executive

**Department of Social Services**

**Kevin M. McGuire**  
Commissioner

**18253**

Date: April 5, 2011

To: The Board of Acquisition and Contract

From: Kevin M. McGuire  
Commissioner of Social Services

Re: **Authority for the County of Westchester to enter into forty-seven (47) agreements with licensed and approved voluntary child care agencies and educational providers for the provision of institutional/group Foster Care, Adoption Services and educational services listed on Schedule "A" attached hereto and made a part hereof for the period July 1, 2011 and continuing indefinitely until terminated by either party, in the total not to exceed amount of \$40,880,856 for the term July 1, 2011 through June 30, 2012 to be paid monthly, pursuant to an approved budget, subject to future appropriations and at rates approved by the State**

Authority is requested for the County of Westchester, by and through its Department of Social Services, to enter into agreements with forty-one (41) licensed and approved voluntary Child Care agencies for the provision of institutional/group Foster Care, Adoption Services and with the six (6) Educational Providers for the provision of educational services listed on Schedule "A" attached hereto and made a part hereof for the term July 1, 2011 and extending indefinitely until terminated with thirty (30) days prior written notice from either party to the other ( the "Agreements") in an aggregate amount not to exceed \$40,880,856 for the term July 1, 2011 through June 30, 2012 to be paid monthly, pursuant to an approved budget, and at rates approved by the State. The aggregate not to exceed amount of the Agreements for subsequent years will be subject to future appropriations.

Pursuant to the proposed Agreements, the Department of Social Services obtains institutional/group foster care and adoption services from voluntary child care agencies and educational services for children placed in

foster care from educational providers. The educational providers are needed for foster children who require specialized services and cannot be maintained in a less restrictive setting.

The not to exceed amount for each provider depends on usage patterns that can vary significantly from one period to another. The total aggregate amount to be expended by the County for the services pursuant to the proposed Agreements for the period starting July 1, 2011 and ending on June 30, 2012 shall not exceed \$40,880,856 and shall be paid pursuant to an approved budget and subject to County appropriation at rates approved by the State.

The New York State Office of Children and Family Services sets the Maximum State Aid Rates ("MSAR") in July of each year for institutional/group foster care, adoption services and educational services. The Department agrees to pay these providers, on a monthly basis an amount equal to 100% of the MSAR as set by the New York State Office of Children and Family Services, up to the maximum state rate or an out-of-state rate, or at the Department's discretion, negotiated and agreed upon costs and rates based upon the needs and services provided by the Agency for children with special needs.

The New York State Office of Children and Family Services and the State Department of Education will not issue revised board and tuition rates until July 1, 2011, the effective date of the Agreements. Accordingly, the Department requests authorization to conform the contract rates to the revised board and tuition rates when they are published provided that such revised rates do not, in the aggregate, exceed the \$40,880,856 amount authorized herein. The aggregate not to exceed amount of the Agreements for subsequent years will be subject to future appropriations.

These contracts are exempt from the Westchester County Procurement Policy pursuant to Section 3(a) (xviii) thereof.

**The public purpose of the proposed agreement** is to achieve the safety, well being and permanency for children placed in foster care by equipping the Department with an adequate supply of institutional/group foster care facilities and adoption and educational services providers.

**The goals and objectives of this program are** to provide foster care settings which best meet the needs of the children placed, while providing permanency planning as well as adoption and educational services.

**The goals and objectives are in the best interests of the County in terms of safety & security 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 and well being. This contract is considered a support mechanism for our "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 health & environment because these providers** are licensed by the State to provide specialized services to safely care for youth who have been abused or neglected and cannot be cared for in a family foster home setting. The program also provides services to youth who have been adjudicated Juvenile Delinquent (“JD”) or Persons In Need of Supervision (“PINS”). These services provide structured environments to keep the children off the street and promote the health and safety of the children. They also address and reduce the community issues of juvenile delinquency, school truancy and child substance abuse. This program helps promote a healthy community. Medical services are being provided at each individual facility. Emotional health issues can also be addressed at each individual facility.

**The goals and objectives are in the best interests of the County in terms of fiscal responsibility because** the Department is adhering to the rates that are set and approved by the New York State Office of Children and Family Services. The State reviews and adjusts rates at least once a year to come up with rates that are most cost effective. The Department enters into contracts with different vendors that provide a 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 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.

**The results of the previous performance measurement indicators** indicate that based upon close monitoring guidelines and performance, Westchester County has declined to participate with some agencies for the 2011-12 contract year. The Department’s Voluntary Child Care Providers served on average a total of 534 youth per month under the current contract. Our Educational Providers served on average a total of 104 youth per month under the current contract.

For all the foregoing reasons, I respectfully request approval of the attached Resolution.

APPROVED BOARD OF WESTCHESTER COUNTY  
JULY 23, 2011 - JOHN J. MILLER, 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 agreements with the licensed and approved Voluntary Child Care Agencies for the provision of institutional/group foster care and adoption services and the educational providers for the provision of educational services associated with out-of-home placements listed in Schedule "A", attached hereto and made a part hereof, for the period commencing on July 1, 2011 and extending indefinitely until terminated with thirty (30) days prior written notice from either party to the other ( the "Agreements") in an aggregate amount not to exceed \$40,880,856 for the term July 1, 2011 through June 30, 2012 to be paid monthly pursuant to an approved budget and at rates approved by the State; and be it further

**RESOLVED**, that the County Executive or his duly authorized designee is hereby authorized to amend the Agreements subsequent to execution of the same in order to adjust the per diem rates to conform to the revised rates issued by the New York State Office of Children and Family Services and the State Department of Education at such time as the County is notified by the State of such revised rates during the contract term and subject to future appropriations; and be it further

**RESOLVED**, that these contracts are subject to future County appropriations; 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 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 and all documents necessary to effectuate the purposes hereof.

Account to be Charged/Credited

	Fund	Dept	Major Program, Program & Phase or Unit	Object/Sub-Object	Dollars
2011	101	22	8900	5630	\$ 9,945,569
2011	101	22	8900	5880	\$10,494,860
2012	101	22	8900	5630	\$ 9,945,568
2012	101	22	8900	5880	\$10,494,859

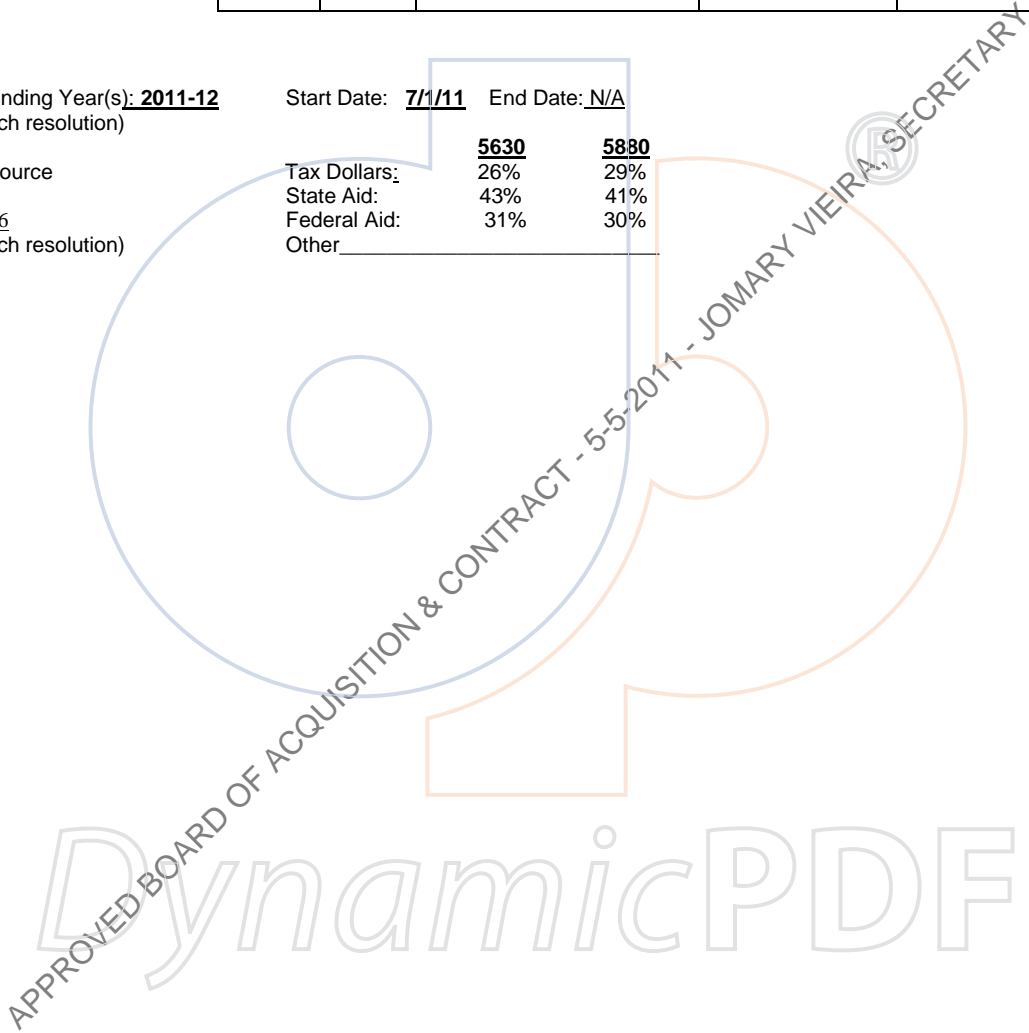
Budget Funding Year(s): **2011-12**  
(Must match resolution)

Start Date: **7/1/11** End Date: **N/A**

Funding Source

\$40,880,856  
(Must match resolution)

	<b>5630</b>	<b>5880</b>
Tax Dollars:	26%	29%
State Aid:	43%	41%
Federal Aid:	31%	30%
Other		



Schedule A
ABBOTT HOUSE, INC.
ASTOR SERVICES FOR CHILDREN AND FAMILIES
BERKSHIRE FARM CENTER & SERVICES FOR YOUTH
CARDINAL MCCLOSKEY SCHOOL & HOME FOR CHILDREN, INC.
CATHOLIC CHARITIES OF ALBANY D/B/A COMMUNITY MATERNITY SERVICES
CHILDREN'S HOME OF KINGSTON
CHILDREN'S HOME OF POUGHKEEPSIE
CHILDREN'S VILLAGE, INC.
EAGLETON SCHOOL
EQUINOX, INC.
FAMILY SERVICES OF WESTCHESTER
FERNCLIFF MANOR FOR THE RETARDED, INC., d/b/a SAIL AT FERNCLIFF MANOR
GLEN MILLS SCHOOL
GRAHAM- WINDHAM, INC.
GREEN CHIMNEYS CHILDRENS SERVICES
HILLCREST EDUCATIONAL CENTERS, INC.
HILLSIDE CHILDRENS CENTER
IN FLIGHT, INC.
JEWISH BOARD OF FAMILY & CHILDRENS SERVICES, INC.
JEWISH CHILD CARE ASSOCIATION OF NY
JULIA DYCKMAN ANDRUS MEMORIAL, INC.
KIDSPEACE NATIONAL CENTERS OF NORTH AMERICA, INC. (NY)
KIDSPEACE NATIONAL CENTERS, INC. (PA)
LAKE GROVE SCHOOL, INC.
LASALLE SCHOOL
LEAKE & WATTS SERVICES, INC.
LINCOLN HALL
MERCY FIRST
NY FOUNDLING HOSPITAL

APPROVED BY THE COMPTROLLER OF ACCOUNTS CONTRACT # 5-2011 - JOMARY VIEIRA, SECRETARY

NORTH AMERICAN FAMILY INSTITUTE, INC.- NY
NORTHEAST PARENT & CHILD SOCIETY
OCCUPATIONS
ST. ANNE INSTITUTE
ST. CABRINI HOME, INC.
ST. CHRISTOPHER'S, INC.
ST. COLMAN'S HOME
ST. JOHN BOSCO CHILD & FAMILY SERVICES, INC.
STETSON SCHOOL, INC.
WOODS SERVICES
YONKERS RESIDENTIAL CENTER
YOU GOTTA BELIEVE
GREENBURGH-NORTH CASTLE-UFSD
GREENBURGH 11-UFSD
GREENBURGH GRAHAM UFSD
HAWTHORNE CEDAR KNOLLS-UFSD
MT. PLEASANT BLYTHDALE-UFSD
MT. PLEASANT COTTAGE SCHOOL-UFSD

APPROVED BOARD OF ACQUISITION & CONTRACT - 5/5/2011 - JOMARY VIEIRA, SECRETARY

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