



Robert P. Astorino
County Executive

Department of Social Services

Kevin M. McGuire
Commissioner

Philippe Gille
First Deputy Commissioner

44435

DATE: January 22, 2015

TO: Board of Acquisition and Contract

FROM: Kevin M. McGuire
Commissioner of Social Services

SUBJECT: Resolution authorizing the County of Westchester to enter into an Agreement with the New York State Office of Children and Family Services to receive a grant in the amount of \$889,450 to purchase registration activities for school-age care providers and registered family day care providers, and to conduct investigations, fingerprint child care providers and their employees and process complaints for the period January 1, 2015 through December 31, 2015 and also to enter into a separate Agreement with the Child Care Council of Westchester, Inc. for the same period to perform the aforementioned services in an amount not to exceed \$844,977 to be paid quarterly pursuant to an approved budget and subject to appropriations.

We are requesting that authorization be given to the County of Westchester to enter into an Agreement with the New York State Office of Children and Family Services to receive a grant in the amount of \$889,450 which the County would utilize to purchase registration activities for school-age child care providers and registered family day care providers. The aforesaid grant amount will also be used to provide for the conducting of mandated investigations, fingerprinting of the child day care providers and their employees and the processing of complaints registered against child care providers. The term of this Agreement will be January 1, 2015 through December 31, 2015.

We are also requesting that authorization be given to the County of Westchester to enter into a separate Agreement with the Child Care Council of Westchester, Inc. to provide

the above stated services and activities. The term of this Agreement with the Child Care Council of Westchester, Inc. will also be January 1, 2015 through December 31, 2015 for an amount not to exceed \$844,977, (\$44,473 will be deducted from \$889,450 for the Department of Social Services' administrative fees) to be paid quarterly pursuant to an approved budget and subject to appropriation.

The Department is respectfully submitting the facts below to support an exemption from the Federal Common Grant Rule requirements based on exigency grounds for the contract with Child Care Council. Under the present circumstances, the Department cannot issue an RFP to pick a new subcontractor as we do not have sufficient time to meet the approval requirements for a new subcontractor by the Office of Children and Family Services (OCFS).

As per OCFS requirements, subcontracts should be negotiated by the 4th quarter since those MOU's with the county are developed between October and December. The State approves of day care registration staff. The budgets need to submit in quarter 4 should be in the name of the intended subcontractor on the county budget and allocation and simultaneously submit the subcontractor budget. While the budgets are not officially part of the MOU contract, the State needs to review them for 2 reasons: to ensure the personnel and % dedicated to registration match the companion staff plan, which is reviewed and approved by the State in the form of our Regional Manager. Secondly, the OCFS wants to ensure that the money is spent on line items that meet OCFS criteria. Also, the county has to cap itself to administration to 5% unless the county intends to perform the registration function with county staff. Quarter 1 of the 2015 contract year is ending in a few weeks and the MOU started January 1, 2015. By the time we finish the RFP process, we would well be into the second quarter of 2015 contract year. Based on the above stated circumstances, soliciting, selecting and approval of a new vendor are not feasible in 2015. It would be difficult to change contractors mid-stream as our Regional Office would need to review the staff credentials of the potential new vendor and train them. We will start working on an RFP to select a new vendor to be approved by October 1 in order to be part of the MOU approval process for 2016".

Funding for these services is one hundred percent reimbursable through the Federal Child Care Development Fund. In addition, Westchester County takes 5% of the \$889,450 (\$44,473.00) for administrative fees as is allowed by the New York State Office of Children and Family Services. It should be noted that the budget for this program is the same as it has been for the last four years.

The MOU with the New York State Office of Children and Family Services does not constitute procurement and as such, the Westchester County Procurement Policy does not apply.

The Child Care Council of Westchester, Inc. is the Child Care Resource and Referral agency for Westchester County pursuant to Title 5-B of the Social Services Law. The Child Care Council of Westchester, Inc. is a Westchester County based agency that is designed and staffed to conduct the required services. It is essential that the agency performing these services have an

established relationship with the day care providers in this County and an established relationship with NYS OCFS. The CCC of Westchester, Inc. is the only such agency. They have been the provider of the requested services for a number of years. Their performance is monitored by the New York State Office of Children and Family Services and they are subject to fiscal sanctions should they not achieve state mandates. The Child Care Council has not received any sanctions as a result of major non-compliance with performance standards. A resolution requesting to exempt the proposed agreement with the Child Care Council of Westchester, Inc. from the requirements of the Westchester County Procurement Policy and Procedures pursuant to Section 3 (a) xxi has been submitted separately for your Honorable Board's approval.

The services to be provided pursuant to the proposed agreements will serve a **public purpose** in that the County will assist in making safe and affordable day care services available to low income families in the County of Westchester.

The goals and objectives are to provide safe, affordable child care to eligible families.

The goals and objectives are in the best interests of the County regarding Public Health and Safety in that they are aimed at ensuring the wellbeing of children placed with these providers. In order to promote safety, the providers and their employees are fingerprinted by the Child Care Council and they then undergo a criminal background check. The Council also investigates complaints and non-compliance allegations regarding providers.

Furthermore, **the goals and objectives are in the best interests of the County regarding fiscal interests** because the availability of safe and affordable child care eliminates child care as an impediment to employment for parents/guardians who meet financial and programmatic guidelines.

The operation of the **program is overseen and monitored by New York State Office of Children and Family Services**. The Child Care Council is required to provide quarterly reports to the Office of Children and Family Services. In addition, the Child Care Council is subject to quarterly fiscal sanctions for deficits in meeting the following goals:

- processing and resolving initial registration applications within six months
- processing/initiating enforcement action prior to the lapse date,
- making determinations on the validity of complaints within sixty days
- conducting one quarter of the mandated inspections
- maintaining the staffing level

I certify that my department, a) has copies of, or access to, all applicable laws, rules, regulations grant applications and grant agreements (including any master grant agreement), as well as any guidance or instructions received from the agency making the grant (the "Grant Terms"), b) has reviewed the Grant Terms, c) is aware of and understands all of the Grant Terms, and d) and will comply with all of the Grant Terms.

We respectfully request approval of the attached Resolution by your Honorable Board.

APPROVED BOARD OF ACQUISITION & CONTRACT - 03/12/2015 - JOMARY VIEIRA, SECRETARY

R E S O L U T I O N

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 Agreement with the New York State Office of Children and Family Services to receive a Grant in the amount of \$889,450 which the County would utilize to purchase registration activities for school age care providers and registered family day care providers, to finger print child care providers and their employees and to conduct investigations and process complaints for the period January 1, 2015 through December 31, 2015; and be it further

RESOLVED, that the County of Westchester is hereby authorized to enter into a separate Agreement with the Child Care Council of Westchester, Inc. to perform the above said services for the period January 1, 2015 through December 31, 2015 for an amount not to exceed \$844,977 to be paid quarterly pursuant to an approved budget; and be it further

RESOLVED, that the County Executive or his authorized designee is hereby authorized to execute all necessary and appropriate documents to effectuate the purposes hereof.

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
263	22	445Q	4380	T445	\$889,450
263	22	445Q	9853	T445	\$889,450

Budget Funding Year(s): 2015
(must match resolution)

Start Date: 1/1/15

End Date: 12/31/15

Funding Source

\$ 889,450(revenue)
\$889,450 (expense)

(Must match resolution)

Tax Dollars:

State Aid:

Federal Aid: 100%

Other:

APPROVED BOARD OF ACQUISITION & CONSTRUCTION - 03/12/2015 - COMPTROLLER VIEIRA, SECRETARY

APPROVED BOARD OF ACQUISITION & CONTRACT - 03/12/2015 - JOMARY VIEIRA, SECRETARY