



Robert P. Astorino
County Executive

Department of Social Services

Kevin M. McGuire
Commissioner

53721

Date: December 2, 2016

To: The Board of Acquisition and Contract

From: Kevin M. McGuire
Commissioner of Social Services

Re: **Authority for the County of Westchester to amend a resolution approved by your Honorable Board on March 10, 2016 to terminate existing Foster Care and Educational Provider Agreements and enter into agreements utilizing the New York State Revised Model Contract for the Purchase of Foster Care Services with licensed and approved voluntary child care agencies and educational providers for the provision of institutional/group Foster Care, Adoption Services and educational services effective on or about April 1, 2016 (the "Resolution") in order to 1) add four new agencies listed on schedule "A-1" to provide foster care services; and 2) to remove the reference to Educational Provider agreements in the Resolution as the New York State Revised Model Contract is for the purchase of Foster Care.**

By resolution approved on March 10, 2016, your Honorable Board authorized the County of Westchester, acting by and through its Department of Social Services, to terminate existing foster care agreements and educational provider agreements and to enter into agreements utilizing the New York State Revised Model Contract for the Purchase of Foster Care Services (the "NYS Model Agreement") with licensed and approved voluntary Child Care agencies for the provision of institutional/group Foster Care, Therapeutic Foster Boarding Homes, Adoption Services and with the Educational Providers for the provision of educational services effective on or about April 1, 2016 and extending indefinitely until terminated with thirty (30) days prior written notice from either party to the other in the aggregate amount not to exceed **\$43,597,537** for the first year of the term to be paid monthly, pursuant to an approved budget, and at rates approved

by the State (MSAR) (the "Resolution"). The aggregate not to exceed amount of the foster care agreements for subsequent years will be subject to future appropriations.

Authority is now requested to amend the Resolution to authorize four additional foster care agencies to enter into a NYS Model Foster Care Agreement with the County as detailed in schedule A-1 which is attached hereto and made a part hereof. The contracts with these agencies will take effect upon execution and extend indefinitely until terminated with thirty (30) days prior written notice from either party to the other (the "Agreements").

Inadvertently, we included the agreements with Educational Providers to be terminated and authorized entering into new agreements using the NYS Model Agreement. The NYS Model Agreement is for the purchase of foster care and does not apply to educational providers. Authority is also requested to amend the Resolution to remove reference to agreements with educational providers.

Pursuant to the proposed Agreements, the Department of Social Services obtains institutional/group foster care and adoption services from voluntary child care agencies.

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 first year of the contract term shall not exceed \$43,597,537 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 issue revised board and tuition rates in July of each year. Accordingly, the Department requests authorization to conform to 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 contract amount authorized herein. The aggregate not to exceed amount of the Agreements for subsequent years will be subject to future appropriations.

Except as specifically amended hereby, all other terms and conditions of the resolution approved on March 10, 2016 shall remain the same.

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

APPROVED BOARD OF ACQUISITION & CONTRACT - 01/12/2017 - LISA MRIJAJ, SECRETARY

RESOLUTION

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

RESOLVED, that the Resolution approved by your Honorable Board on March 10, 2016 to terminate the existing Foster Care and Educational Provider Agreements and to enter into agreements utilizing the New York State Revised Model Contract for the Purchase of Foster Care Services ("Model Contract") with licensed and approved voluntary child care agencies and educational providers for the provision of institutional/group Foster Care, Adoption Services and educational services effective on or about April 1, 2016 and continuing indefinitely until terminated by either party (the "Resolution") is hereby amended to: 1) authorize the County to enter into Model Contracts with four new agencies as detailed in schedule "A-1" which is attached hereto and made a part hereof to take effect upon execution and to extend until terminated by either party upon thirty (30) days prior written notice to the other (the "Agreements"); and 2) to remove the reference to Educational Provider agreements in the Resolution as the Model Contract is only for the purchase of foster care services; 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 except as specifically amended hereby, all other terms and conditions of the Resolution shall remain in full force and effect; 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
N/A	N/A	N/A	N/A	N/A

Budget Funding Year(s):
(Must match resolution)

Start Date: upon execution End Date: Indefinite

Funding Source

Tax Dollars N/A
State Aid: N/A
Federal Aid N/A

\$N/A

APPROVED BOARD OF ACQUISITION & CONTRACT - 01/12/2017 - LISA MRIJAJ, SECRETARY

Schedule A-1

- Abraxas Youth and Family Services

- Awixa Home of LI, Inc.

- The William George Agency for Children's Services Inc

- Villa of Hope Youth and Family Services

-

APPROVED BOARD OF ACQUISITION & CONTRACT - 01/12/2017 - LISA MRIJAJ, SECRETARY

