



Robert P. Astorino
County Executive

Department of Social Services

Kevin M. McGuire
Commissioner

55101

Date: February 1, 2017

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 as amended on January 12, 2017, to terminate existing Foster Care 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 for the provision of institutional/group Foster Care, Adoption Services and Therapeutic Foster Boarding Homes (the "Resolution") in order to add Elks Aidmore, Inc. to provide therapeutic foster care services.**

By resolution approved on March 10, 2016, as amended on January 12, 2017, your Honorable Board authorized the County of Westchester, acting by and through its Department of Social Services, to terminate existing foster care 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 and Adoption Services 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 (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 the County to enter into a NYS Model Agreement with Elks Aidmore, Inc., an

additional foster care agency, to provide a therapeutic foster care program for Department of Social Services clients in Georgia (the "Agreement"). The proposed Agreement will take effect upon execution and extend indefinitely until terminated with thirty (30) days prior written notice from either party to the other.

Pursuant to the proposed Agreement, the Department of Social Services obtains institutional/group foster care, therapeutic foster programs 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 shall remain in full force and effect.

Your Honorable Board's approval of the attached Resolution is respectfully requested.

KMM/DI

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, as amended on January 12, 2017, that terminated existing Foster Care Agreements and authorized the County 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 for the provision of institutional/group foster care, adoption services and therapeutic foster boarding homes effective on or about April 1, 2016 and continuing indefinitely until terminated by either party (the "Resolution") is hereby amended to authorize the County to enter into a Model Contract with ELKS Aidmore, Inc. for the provision of a therapeutic foster care program to take effect upon execution and to extend until terminated by either party upon thirty (30) days prior written notice to the other (the "Agreement"); and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized to amend the Agreement, subsequent to execution, 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): N/A:
(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