

George Latimer
County Executive

Department of Social Services

Kevin M. McGuire
Commissioner

67051

DATE: January 7, 2019

TO: Honorable Members of the Board of Acquisition and Contract

FROM: Kevin M. McGuire, Commissioner
Department of Social Services

SUBJECT: **Resolution authorizing the County of Westchester to enter into an agreement with the Mental Health Association of Westchester County, Inc., (“MHA”) pursuant to which MHA will provide an independent third party review process for the period from January 1, 2019 through December 31, 2019 for an amount not to exceed \$396,023**

Authorization is requested for the County of Westchester (“County”), acting by and through its Department of Social Services (“the Department”), to enter into an agreement with the Mental Health Association of Westchester County, Inc. (“MHA”) pursuant to which MHA will provide an independent third party review process for the period of January 1, 2019 through December 31, 2019, for an amount not to exceed \$396,023 to be paid on a monthly basis pursuant to an approved budget and subject to appropriation (“Agreement”).

The services to be provided pursuant to this Agreement will serve a **public purpose** because they will ensure that the County is in compliance with state regulations, 18 NYCRR, Part 430.12 regarding requirements to hold and document service plan reviews for children in foster care. MHA has provided this service for the County since 2004.

The **goals and objectives of this Agreement** are to provide care record reviews and facilitate Service Plan Reviews for children in family foster care and children who are in 1055 Placements. The Service Plan Review conference is required by the Office of Children and Family Services (OCFS) regulations, NYCRR 430.12, and is used to monitor compliance with court ordered services in support of permanency planning goals for children and families. MHA has the responsibility of scheduling the conferences on a timely basis as required by State mandate, notifying and inviting all participants and monitoring the conference as a neutral third party.

Additionally, MHA provides case specific alerts to safety or planning issues. MHA is able to achieve program goals and objectives through the following:

- Identifying cases due for Service Plan Reviews
- Scheduling required conferences in Connections (NY State system)
- Sending invitation letters to all participants
- Identifying safety issues and making recommendations to the Department
- Identifying cases to be referred to Foster Care Discharge Review and Single Point of Return (SPOR)
- Reviewing Court Orders

The **goals and objectives of this Agreement are in the best interest of the County in terms of public safety and public health** by reducing the risk of further abuse, neglect and maltreatment of the children of Westchester County. By conducting reviews, the Department has an independent audit of the work that is being performed both by the Department and the parent. Youth are encouraged to attend these meetings to discuss their issues, concerns, and successes. Other parties in attendance can be the child's law guardian, service providers, and educational providers. Record reviews are conducted and any concerns are reported immediately by MHA.

The **goals and objectives of this Agreement are in the best interest of the County in terms of fiscal responsibility** in that they assist the Department to remain in compliance with State mandates, thereby preventing possible sanctions and fines.

The **goals and objectives will be tracked and monitored using performance measurement indicators developed by the Department.** They include, but are not limited to, reviewing of periodic reports submitted by the vendor and making onsite visits.

Based on the Performance Measurement Indicators, the Department is able to report that MHA is meeting targets and outcomes as stipulated by the contract and is on track to serving 100% contract capacity. As of the end of the third quarter of 2018, MHA has performed 429 service plan reviews and has completed and recorded 100% of Service Plan Reviews within ten days of the event.

This Agreement is exempt from the Westchester County Procurement Policy pursuant to Section 3(a) ix as this agreement falls under the contracts with professionals or experts and also under Section 3(a) xviii as the purpose of this Agreement is for the advancement of the moral, physical, mental and social well-being of the youth in Westchester County.

It should be noted that this Agreement is not subject to the competitive procurement requirements of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (formerly, the Grants Management Common Rule) as the federal funding for this program falls under Social Services Block Grant.

Accordingly, the County is hereby requesting authority to enter into an agreement with the MHA for the aforesaid purpose.

An appropriate resolution requesting your Honorable Board's approval is attached herewith.

RESOLUTION

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

RESOLVED, that the County of Westchester (the “County”), acting by and through its Department of Social Services, is hereby authorized to enter into an agreement with the Mental Health Association of Westchester County, Inc. (“MHA”) pursuant to which MHA will provide an independent third party review process for the period from January 1, 2019 through December 31, 2019, for an amount not to exceed \$396,023 to be paid on a monthly basis in accordance with an approved budget (“Agreement”); and be it further

RESOLVED, that this Agreement is subject to County appropriation; and be it further

RESOLVED, that this Agreement is 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 this Agreement. 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 this Agreement or to 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 this Agreement upon reasonable prior written notice; and be it further

RESOLVED, that the County Executive or his 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/credited:

	FUND	DEPT	Major Program, Program & Phase, Or Unit	Object/ Sub- Object	Trust Account	Dollars
2019	101	22	8900	5880		\$396,023

Budget Funding Year(s): 2019 **Start Date:** 1/1/2019 **End Date:** 12/31/2019
(must match resolution)

Funding Source: Tax Dollars: 41%
\$396,023 State Aid: 35%
(must match resolution) Federal Aid: 24%