

George Latimer  
County Executive

Department of Social Services

Kevin M. McGuire  
Commissioner

**68304**

DATE: March 7, 2019

TO: The Honorable Board of Acquisition and Contract

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

**SUBJECT: Resolution authorizing the County of Westchester to enter into a Memorandum of Understanding with the New York State Office of Children and Family Services to receive a grant in the amount of \$889,450 to provide 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 of January 1, 2019 through December 31, 2019 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.**

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Authorization is requested for the County of Westchester ("County") to enter into a Memorandum of Understanding ("MOU") with the New York State Office of Children and Family Services ("NYS OCFS") to receive a grant in the amount of \$889,450 which the County would utilize to provide registration activities for school-age child care providers and registered family day care providers. The aforesaid grant amount will also be used to conduct mandatory investigations, to fingerprint child day care providers and their employees and to process complaints registered against child care. The term of this Agreement will be January 1, 2019 through December 31, 2019.

Authorization is also requested for the County to enter into a separate Agreement with the Child Care Council of Westchester, Inc. ("CCCW") to provide the above stated services and activities. The term of this Agreement with the CCCW will also be from January 1, 2019 through December 31, 2019 in 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.

Funding for these services is one hundred percent reimbursable through the Federal Child Care Development Fund. Child Care Development Fund is exempt from the competitive procurement requirements of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (formerly, the Grants Management Common Rule). Therefore, this contract falls under the exempt category.

Accordingly, a resolution requesting to exempt the proposed agreement with the CCCW 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.

In addition, Westchester County takes 5% of the \$889,450 (\$44,473.00) for administrative fees as is allowed by the NYS OCFS. It should be noted that the budget for this program is the same as it has been for the last seven years.

The MOU with the NYS OCFS does not constitute procurement and as such, the Westchester County Procurement Policy does not apply.

The CCCW is the Child Care Resource and Referral agency for Westchester County pursuant to Title 5-B of the Social Services Law. The CCCW is a Westchester County-based agency that is designated 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 CCCW 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 NYS OCFS and they are subject to fiscal sanctions should they not achieve state mandates. The CCCW has not received any sanctions as a result of major non-compliance with performance standards.

The services to be provided to the proposed agreements will serve **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 interest of the County regarding public health and safety** in that they are aimed at ensuring the well-being of children placed with these providers. In order to promote safety, the providers and their employees are fingerprinted by the CCCW and they then undergo a criminal background check. The CCCW also investigates complaints and non-compliance allegations regarding providers.

Furthermore, **the goals and objectives are in the best interests of the County regarding fiscal responsibility** 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 the New York State Office of Children and Family Services.** The CCCW is required to provide quarterly reports to the NYS OCFS. In addition, the CCCW 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) will comply with all of the Grant Terms.

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

KMM/DI

**RESOLUTION**

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

**RESOLVED**, that the County of Westchester (“County”) 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 provide registration activities for school-age child care providers and registered family day care providers and conduct mandatory investigations, fingerprint child day care providers and their employees, and process complaints registered against child care providers (the “Services”) for the period January 1, 2019 through December 31, 2019; and be it further

**RESOLVED**, that the County is hereby authorized to enter into a separate Agreement with the Child Care Council of Westchester, Inc. to provide the Services for the period January 1, 2019 through December 31, 2019 in 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

Year	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
2019	263	22	445U	9853	T445	\$889,450
2019	263	22	445U	4380	T445	\$844,977

Budget Funding Year(s): 2019    Start Date: 01/01/2019    End Date: 12/31/2019  
 (must match resolution)

Funding Source:

**\$889,450 (Revenue)**  
**\$844,977 (Expense)**  
 (must match resolution)

Tax Dollars:  
 State Aid:  
 Federal Aid:    100%  
 Other: