

George Latimer
County Executive

Department of Social Services

Kevin M. McGuire
Commissioner

75232

DATE: March 6, 2020

TO: Board of Acquisition and Contract

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

SUBJECT: Resolution authorizing the County of Westchester ("County") to enter into an agreement with the **Yonkers Residential Center, Inc.** for the provision of PINS Pre-dispositional Placement and related support services for pre-disposition PINS youth at its residential care facilities in Yonkers for the period January 1, 2020 through August 31, 2020 for an agreed upon per-diem rate for each youth placed at their facilities, not-to-exceed the aggregate sum of \$45,902.

Pursuant to Administrative Directive #19-OCFS – ADM-22 issued by the New York State Office of Children and Family Services on December 20, 2019, effective January 1, 2020, youth subject to a PINS petition may no longer be placed in Non-Secure Detention settings. However, the Family Court may place said youth into time-limited pre-dispositional placements if it finds there is a substantial likelihood that a youth will not return to their court appearance and that all alternatives have been exhausted. In furtherance of this new requirement, authorization is requested for the County, acting by and through its Department of Social Services ("Department"), to enter into an agreement with the Yonkers Residential Center, Inc. ("YRC"), pursuant to which YRC would provide PINS Pre-dispositional Placement and related support services for pre-disposition PINS youth at its residential care facilities in Yonkers, for the period from January 1, 2020 through August 31, 2020 for an agreed upon per-diem amount for each youth placed in their facilities. Specifically, YRC will be paid based on an established specialized per diem rate of \$313.71 per youth placed at the Phillipse Place Group Home and \$275.20 per youth placed at the 100 North Broadway Residence. In no event will the total aggregate amount payable by the County to YRC under the Agreement exceed the sum of \$45,902, payable monthly pursuant to the aforementioned per diem rates.

The **public purpose** of the program is to adhere to the new legislation that requires Local DSS to have contracts with Foster Care settings to provide shelter for PINS youth that are ordered into a Pre-Dispositional Placement.

The **goals and objectives** of the program are to provide a safe time limited placement, in a foster care setting for PINS youth who are unable to return home or present a substantial risk of not returning to their next court appearance.

The goals and objectives of this program are in **the best interest of the County in terms of public health, safety and the environment** as they are aimed at providing a safe but not locked facility for PINS youth in between court appearances.

The goals and objectives are in **the best interest of the County in terms of fiscal responsibility** as the program is designed to adhere to the current legislation which states that the Local DSS is responsible for providing these services.

The **goals and objectives will be tracked and monitored** using the performance measurement indicators developed by the Department. They include submission of monthly and quarterly reports. In addition, monitoring is also done in the form of direct contact with the Department's staff in order to swiftly address any impediments to the successful execution of the goals and objectives as detailed in the contract.

This contract is exempt from the Westchester County Procurement Policy pursuant to Section 3(a) (xviii) as the proposed agreement is for the purpose of youth service projects and other appropriate programs aimed at preventing youth crimes and advancing the moral, social and mental well-being of the youth in Westchester County.

This contract 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 there is no federal funding being used for this program.

Accordingly, the County of Westchester is hereby requesting permission to enter into an agreement with YRC for the above said purpose.

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

KMM/BG/jpg
Attachment

RESOLUTION

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

RESOLVED, that the County of Westchester (“County”) is hereby authorized to enter into an agreement with **Yonkers Residential Center, Inc.** (“YRC”) for the provision of PINS Pre-dispositional Placement and related support services for pre-disposition PINS youth at its residential care facilities in Yonkers, for the period from January 1, 2020 through August 31, 2020; and be it further

RESOLVED, that in consideration for the provision of placement and support services rendered, the County will pay the YRC at the established per diem rate of \$313.71 per child placed at the Phillipse Place Group Home and \$275.20 per child placed at the 100 North Broadway residence., not to exceed the aggregate sum of \$45,902 for the term of this agreement; and be it further

RESOLVED, that this contract is subject to County appropriations; 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 duly authorized designee is empowered to execute any document necessary to implement this Resolution.

Account to be
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars
101	22	8900	5880	_____	\$45,902

Budget Funding Year(s):2020
(must match resolution)

Start Date: 01/01/2020

End Date: 08/31/2020

Funding Source

Tax Dollars: 100%

State Aid: 0%

\$45,902

Federal Aid: 0%

(must match resolution)

Other: