

76525

**To:** The Honorable Board of Acquisition and Contract

**From:** Rocco A. Pozzi  
Commissioner  
Department of Probation

**Date:** April 13, 2020

**Re:** Authority to amend an agreement with Children's Village, Inc. for the provision of secure detention and related services at Woodfield Secure Detention Cottage from January 1, 2018 through December 31, 2020 in an amount not to exceed \$18,078,712.98 in order to increase the not to exceed amount of the agreement by \$12,978,936.42 for the period December 1, 2019 through December 31, 2020, to a new total not to exceed amount of \$31,057,649.40

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On December 14, 2017, your Honorable Board authorized the County of Westchester (the "County"), acting by and through its Department of Probation (the "Department") to enter into an agreement with Children's Village, Inc. ("Children's Village") for the provision of secure detention and related medical, clinical, educational, transportation, cleaning, security systems and food services at Woodfield Secure Detention Cottage ("Woodfield Cottage") from January 1, 2018 through December 31, 2020 in a total amount not to exceed \$9,038,830.00, payable at the rate of \$2,997,900.00 per year with an additional \$45,130.00 in start-up costs in the first year and in accordance with an approved budget (the "Agreement"). The Agreement has been executed.

On September 12, 2019 your Honorable Board authorized the County to enter into a First Amendment Agreement to increase the not to exceed amount of the first year of the Agreement (January 1, 2018 through December 31, 2018) by an additional \$1,385,102.98 from a not to exceed amount of \$3,043,030.00 to a not to exceed amount of \$4,428,132.98, for a new total not to exceed amount of \$10,423,932.98 for the three year Agreement (the "First Amendment"). The First Amendment has been executed.

On October 24, 2019 your Honorable Board authorized the County to enter into a Second Amendment Agreement to increase the second year of the agreement for the term January 1, 2019 through December 31, 2019 by an additional \$7,654,780 which will increase the total not to exceed amount of the Agreement to \$18,078,712.98. The second amendment has been executed.

Authority is now being requested for the County, through the Department, to enter into an additional amendment to the Agreement to increase the not to exceed amount by \$12,978,936.42 for the term of December 1<sup>st</sup>, 2019 through December 31, 2020, in order to provide services to the new

population of males and females aged sixteen years of age at the time they are alleged to have committed the acts leading to their detention, as required by NY Criminal Procedure Law §510 which took effect October 1, 2018 and aged seventeen which took effect October 1, 2019, which will increase the not to exceed amount of the agreement to \$31,057,649.40.

The County, through the Department, is required to provide secure detention and educational services as well as related services to all youth remanded by the New York Family Court as Juvenile Delinquents (“JDs”) and Juvenile Offenders (“JOs”) and Adolescent Offenders (“AOs”). It should be noted that the upper end of the age of the youth to be remanded increased to less than 18 in October 2019. The population to be served consists of males and females who are at least ten years of age and less than eighteen (less than seventeen, effective October 1, 2018 and less than eighteen, effective October 1, 2019) years of age at the time they are alleged to have committed the acts leading to their detention. The October 1, 2019 effective date has recently passed, and the New York State Office of Children and Family Services (“OCFS”) has approved the budget to accommodate the increased population at Woodfield Cottage for the term December 1, 2019 through December 31, 2020. On October 1, 2019, the secure detention program can accommodate or detain a maximum of 54 juveniles, an increase in 30 from the maximum number of 24 that had been in place from January 1, 2019 through September 30, 2019. All other terms and conditions of the Agreement shall remain in full force and effect.

The proposed amendment to the Agreement will serve a public purpose by ensuring the safety and well-being of the detainees in the facility and the residents of the County. Children’s Village provides all youth at Woodfield Cottage with New York State’s regulated complement of services and supports, providing the following services as needed: medical, clinical health, mental health, educational, recreational, life skills, transportation, cleaning, security systems and food service.

The goals and objectives of the proposed amendment to the Agreement are to provide secure detention services aimed at developing a balanced juvenile system that promotes community protection, fair and appropriate placement, accountability, and competency development for Juvenile Delinquents (“JDs”), Juvenile Offenders (“JOs”) and Adolescent Offenders (“AOs”). This program addresses the needs of these JDs, JOs and AOs in the following areas:

- Medical care
- Substance abuse services
- Mental health services
- Food services
- Counseling services
- Recreation and life skills
- Education

The goals and objectives of the proposed amendment to the Agreement are in the best interests of the County in terms of public safety as the services provided to these detainees will help prevent youth crimes and delinquency and aid in the advancement of the moral, mental and social well-being of youth in the County. The program helps to create a peaceful living environment for its residents while assisting the detainees in becoming better people through the supportive services provided pursuant to the program. The goals and objectives of the proposed amendment to the Agreement are monitored using performance measures.

Accordingly, approval of the attached resolution is respectfully requested.

RAP/DI  
Attachment

**RESOLUTION**

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

**RESOLVED**, that the County of Westchester, (the "County"), acting by and through its Department of Probation, is authorized to amend an agreement with Children's Village, Inc. for the provision of secure detention and related medical, clinical, educational, transportation, cleaning, security systems and food services at Woodfield Secure Detention Cottage for the period January 1, 2018 through December 31, 2020, as amended by a First Amendment and a Second Amendment, in an amount not to exceed \$18,078,712.98, ( the "Agreement") to increase the not to exceed amount for the term December 1, 2019 through December 31, 2020 in order to provide increased services to the new population of males and females aged sixteen years of age at the time they were alleged to have committed the acts leading to their detention, effective as of October 1, 2018, and aged seventeen effective as of October 1, 2019, at an increased cost of \$12, 978,936.42 to a new total amount not to exceed \$31,057,649.40 for the three year term of the Agreement, payable pursuant to an approved budget; and be it further

**RESOLVED**, that all other terms and conditions of the Agreement shall remain in full force and effect; and be it further

**RESOLVED**, that the County Executive or his authorized designee is authorized and empowered to execute and deliver all instruments and take all action necessary and appropriate to effectuate the purpose hereof.

Original Agreement: \$ 9,038,830.00  
 First Amendment: \$ 1,385,102.98  
 Second Amendment: \$ 7,654,780.00  
This Amendment \$12,978,936.42  
 TOTAL: \$31,057,649.40

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit/sub-unit	Object/ Sub-Object	Trust Account	Dollars
101	39	2000/2200	4380		\$12,978,936.42

Budget Funding Year(s) 2019/2020 Start Date: 12/1/2019 End Date: 12/31/2020

(must match resolution)

Funding Source

**\$12,978,936.42**

(must match resolution)

Tax Dollars \_\_\_\_\_  
 State Aid: \$12,978,936.42  
 Federal Aid \_\_\_\_\_  
 Other \_\_\_\_\_

\*anticipated to be reimbursed from New York State Office of Children and Family Services