



George Latimer
County Executive

Department of Social Services

Leonard G. Townes
Commissioner

101129

DATE: May 5, 2023

TO: The Honorable Board of Acquisition and Contract

FROM: Leonard G. Townes, 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, oversee fingerprinting of care providers and their employees, and process complaints for the period of January 1, 2023 through December 31, 2023 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.

We are requesting that authorization be given to the County of Westchester ("County") to enter into a Memorandum of Understanding ("MOU", DSS6047-23) 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, oversee fingerprinting of care providers and their employees, and process complaints registered against child care providers. The term of this Agreement will be January 1, 2023 through December 31, 2023.

We are also requesting that authorization be given to the County to enter into a separate Agreement (DSS6047A-23) with the Child Care Council of Westchester, Inc. ("CCCW") to provide the above stated services and activities ("Agreement"). The County issued a Request for Proposals for Child Care Provider Enrollment and Registration on October 19, 2022 (the "RFP") and received one proposal. CCCW was the only NGO to respond. CCCW was found qualified based on the evaluation criteria contained in the RFP and is being recommended for the Agreement. The term of this

Agreement will also be from January 1, 2023 through December 31, 2023 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 and subject to appropriation.

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.

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 several 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 approximately 21 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. 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.

The services to be provided by 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 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.

LGT/di
attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 05/12/23 - RAYMOND S. DUKY, SECRETARY

RESOLUTION

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

RESOLVED, that the County of Westchester is authorized to enter into a Memorandum of Understanding ("MOU", DSS6047-23) 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, oversee fingerprinting of care providers and their employees, and process complaints registered against child care providers (the "Services") for the period January 1, 2023 through December 31, 2023; and be it further

RESOLVED, that the County is further authorized to enter into an agreement (DSS6047A-23) with the Child Care Council of Westchester, Inc. to provide the Services for the period January 1, 2023 through December 31, 2023 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.

APPROVED BOARD OF ACQUISITION & CONTRACT 05/16/2023 RAYMOND S. DUFFY SECRETARY

1. Account to be Charged/Credited:

	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
2023 Revenue	263	22	445Y	9853	T445	\$889,450
2023 Expense	263	22	445Y	4380	T445	\$844,977

2. Budget Funding Year(s): 2023

Start Date: January 1, 2023 End Date: December 31, 2023
(must match resolution)

3. Funding Source:

Federal	100%	CFDA#(s)	93.575		
State	0%	State ID#(s)			
Operating/ Tax Levy	0%				
Capital	0%				

4. Total NTE:

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

APPROVED BOARD OF ACQUISITION & CAPITAL

05/11/2023 - RAYMOND SCULKY, SECRETARY