

Robert P. Astorino
County Executive

Department of Social Services

Grant E. Mitchell, MD
Acting Commissioner

15423

DATE: November 18, 2010

TO: Board of Acquisition and Contract

FROM: Grant E. Mitchell, MD
Acting Commissioner, Department of Social Services

SUBJECT: Resolution authorizing the County of Westchester 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 to purchase registration activities for school-age care providers and registered family day care providers, and to conduct mandated investigations, fingerprint child care providers and their employees and process complaints for the period January 1, 2011 through December 31, 2011 and 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 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 purchase registration activities for school-age child care providers and registered family day care providers. The aforesaid grant amount will also be used to provide for the conducting of mandated investigations, fingerprinting of the child day care providers and their employees and the processing of complaints registered against child care providers. The term of this Agreement will be January 1, 2011 through December 31, 2011.

We are also requesting that authorization be given to the County of Westchester to enter into a separate Agreement with the Child Care Council of Westchester, Inc. to provide the above stated services and activities. The term of this Agreement with the Child Care Council of Westchester, Inc. will also be January 1, 2011 through December 31, 2011 for an amount not to exceed \$844,977, (\$44,473 will be deducted from the \$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. In addition, Westchester County takes 5% of the \$889,450 (\$44,473.00) for administrative fees as is allowed by the New York State Office of Children and Family Services. It should be noted that the budget for this program is the same as it was last year.

The contract with New York State Office of Children and Family Services is exempt under Section 3 (a) iii of the Westchester County Procurement Policy.

The Child Care Council of Westchester, Inc. is the Child Care Resource and Referral agency for Westchester County pursuant to Title 5-B of the Social Services Law. The Child Care Council of Westchester, Inc. is the only Westchester County based agency that is designed 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 CCC of Westchester, Inc. 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 New York State Office of Children and Family Services and they are subject to fiscal sanctions should they not achieve state mandates. The Child Care Council has not received any sanctions as a result of major non-compliance with performance standards. In addition, the CCC has a long standing relationship with the providers. Their familiarity with and knowledge of the child care provider community allows them to promptly address problems that arise. This knowledge also allows them to refer subsidy eligible parents/guardians to the most suitable providers, many of whom, due to state mandates, they have evaluated. Therefore, the contract with the Child Care Council of Westchester, Inc. is not subject to the Westchester County Procurement Policy pursuant to the Sole Source Procurements Section 9 of said Policy.

The services to be provided pursuant to the proposed agreements will serve a **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 interests of the County regarding Public Health and Safety** as they are aimed at ensuring the wellbeing of children placed with these providers. In order to promote safety, the providers and their employees are fingerprinted by the Child Care Council and they then undergo a criminal background check. The Council also investigates complaints and non-compliance allegations regarding providers.

Furthermore, **the goals and objectives are in the best interests of the County regarding fiscal interests** 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. This, in turn, helps them improve their economic condition which also improves the economic situation of the various levels of government through payroll deductions. In addition, this financial improvement helps reduce the need for public assistance and other public entitlements by these parents/guardians.

The operation of the **program is overseen and monitored by New York State Office of Children and Family Services**. The Child Care Council is required to provide quarterly reports to the Office of Children and Family Services. In addition, the Child Care Council 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

The Department is able to report that during the course of the current year's contract (01/01/10 through to date), the Council's performance has been reviewed quarterly by NYS Office of Children and Family Services. To date, the Department has not received any complaints about the level of performance maintained by the Council.

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

APPROVED BOARD OF ACQUISITION & CONTRACT - 12-16-2010 - JOMARY JUELA, SECRETARY

RESOLUTION

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

RESOLVED, that the County of Westchester 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 purchase registration activities for school age care providers and registered family day care providers, to finger print child care providers and their employees and to conduct mandated investigations and process complaints for the period January 1, 2011 through December 31, 2011; and be it further

RESOLVED, that the County of Westchester is hereby authorized to enter into a separate agreement with the Child Care Council of Westchester, Inc. to perform the above said services for the period January 1, 2011 through December 31, 2011 for an amount not to exceed \$844,977 to be paid quarterly pursuant to an approved budget; and be it further

RESOLVED, that Westchester County takes 5% of the \$889,450 (\$44,473.00) for administrative fees as is allowed by the New York State Office of Children and Family Services; and be it further

RESOLVED, that the agreement with the Child Care Council of Westchester, Inc. is exempt from the Westchester County Procurement Policy pursuant to Section 9 (Sole Source) as this is the only organization in the County designed and staffed to perform the aforesaid services; 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 - 12/16/2010 - JOYANY VERA, SECRETARY

Account to be
Charged/Credited

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

Budget Funding Year(s): 2011
(must match resolution)

Start Date: 1/1/11

End Date: 12/31/11

Funding Source

Tax Dollars _____

State Aid _____

\$889,450 (revenue)

Federal Aid: 100%

\$889,450 (expense)

(Must match resolution)

Other _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 12-16-2010 - JOMARY VIEIRA, SECRETARY