

Robert P. Astorino
County Executive

Department of Probation

Rocco A. Pozzi
Commissioner

28504

Date: July 27, 2012

To: The Honorable Board of Acquisition and Contract

From: Rocco A. Pozzi
Commissioner of Probation

Re: Authority for the County of Westchester to amend an agreement with The Children's Village, Inc. to operate 1) a Family Court Assistance Program and 2) an Alternative to Detention Program to provide at-risk youth with diagnostic, educational, and non-secure detention services, for a term January 1, 2012 through June 30, 2012 and for a not-to-exceed amount of \$1,308,723; to 1) extend to a new term from July 1, 2012 to December 31, 2012 and 2) increase the not-to-exceed amount by \$1,308,723 for a new total aggregate not-to-exceed amount of \$2,617,446; payable pursuant to an approved budget and subject to appropriation

Authorization is requested for the County of Westchester (the "County"), acting by and through its Department of Probation (the "Department"), to amend an agreement dated on or about January 1, 2012, between the County and The Children's Village, Inc. (the "Contractor"), to operate a 1) Family Court Assistance ("FCA") Program and an 2) Alternative to Detention ("ATD") Program that provides at-risk youth primarily between the ages of 7 to 17 with diagnostic, educational services and non-secure detention ("NSD") services; for a term from January 1, 2012 through June 30, 2012 and for a not-to-exceed amount of \$1,308,723 (the "Agreement"); to 1) extend the term by six months from a term from January 1, 2012 through June 30, 2012, to a new term from July 1, 2012 through December 31, 2012, and 2) increase the not-to-exceed amount by \$1,308,723, from an existing not-to-exceed amount of \$1,308,723, to a new total aggregate not-to-exceed amount of \$2,617,446 ; payable pursuant to an approved budget.

Notwithstanding that the Agreement is exempt from the Westchester County Procurement Policy (the "Policy") pursuant to Policy Section 3(a) (xviii), the Department desires to issue a Request for Proposal ("RFP") for the aforementioned services for a future one-year agreement commencing January 1, 2013.

The Department entered into the Agreement with a six month term from January 1, 2012 through June 30, 2012 with the original intention of issuing an RFP during said term with the expectation of receiving and evaluating RFP responses prior to the Agreement's June 30, 2012 expiration to enable it to enter a new agreement commencing July 1, 2012.

The Department now requests authority to amend the Agreement as New York State's delay in providing funding to it for both programs precluded it from issuing an RFP to allow it to enter into a new agreement with an RFP selected Contractor commencing July 1, 2012. New York State funds constitute forty-nine (49%) percent of both programs' total funding with County funds comprising the balance.

The Department is now preparing an RFP to procure the aforementioned services for an intended one-year agreement commencing January 1, 2013.

Amendment of the Agreement will **serve a public purpose** by allowing the Contractor to continue to provide at-risk youth with diagnostic, educational, and NSD services to ensure their health and safety, encourage their positive behavior and ensure the public safety of the County community.

Under the FCA Program, at-risk youth are placed in NSD to ensure their safety and that of the County and receive diagnostic and educational services to encourage their positive behavior and discourage their negative behavior. Positive behavior encouragement is implemented pursuant to the highly renowned Positive Behavioral Intervention and Support ("PBIS") model that develops a culture that presents positive adult models for children in a safe environment where they can build self-esteem, develop positive relationships, and improve their social and academic abilities. The foundation of this approach emphasizes teaching children appropriate behaviors through modeling that result in the youth adopting these traits. The Contractor also provides a comprehensive aftercare service program when dispositions have been secured for youth who are discharged home.

As opposed to the FCA Program, the ATD Program serves youth for whom a determination has been made that NSD is not at least initially required, and is intended to prevent immediate placement in detention in an effort to maintain children in the community and prevent their residential placement.

At-risk youth served in the ATD Program are designated by the Westchester County Family Court (the "Court") as Persons in Need of Supervision ("PINS") and/or Juvenile Delinquents ("JD's") and includes those who are awaiting pre or post disposition or fact finding with the Court; those who are being considered for NSD but who have not yet been remanded to the County for same, or those who have been remanded by the Court for NSD but for whom an additional determination has been made to reduce the days that they shall reside in the Contractor's facility in favor of community supervision.

The ATD Program involves close collaboration between the Department and the Contractor with the Contractor's ATD Program staff assisting the Department's probation officers in ensuring community safety by monitoring youth activity while they are within the community. Youth who are compliant may be graduated to a lesser level of probation supervision commensurate with their risk and need.

The **goals and objectives** of the proposed amendment to the Agreement shall be to allow the Contractor to continue to provide the required diagnostic, educational and NSD services to at-risk youth as well as support services for their families.

The **goals and objectives** of the proposed amendment to the Agreement are in the **County's best interest** regarding **health and safety** by allowing the Contractor to continue providing at-risk youth with the necessary services to ensure their safety and encourage their positive behavior which also benefits the County community within which they reside and interact.

The **goals and objectives** of the proposed amendment to the Agreement are also in the **County's best interest** regarding **fiscal responsibility** as the FCA Program and ATD Program provide services to at-risk youth that encourage their positive behavior during their formative younger years that avoids potential future greater public safety expenditures by the County upon them reaching adulthood.

Additionally, as the ATD Program does not require NSD, its per diem cost per child to the County (the "per diem cost") is approximately \$30.00 as opposed to the FCA Program's per diem cost of approximately \$330; thereby resulting in approximate County per diem net savings of \$300.

The Department shall **track and monitor the goals and objectives** of the Agreement as amended by the using the Performance Measurement Indicators for both the FCA and ATD Programs that have been adopted by the Department and approved by the County's Budget Office. The Contractor shall submit weekly, monthly and quarterly reports and the Department shall conduct site visits to evaluate both programs' effectiveness.

The Department is able to report, based on the performance measures, that the Contractor has met the performance goals during the Agreement's January 1, 2012 through June 30, 2012 term. To date, the FCA Program, which involves NSD, had 166 admissions, for a total of 2,225 care days. Of the 166 youth admitted to the FCA program, all received educational services, recreational services, casework services, substance abuse evaluations and health services. A total of 42 psychological / psychiatric evaluations and 0 fire-setting evaluation were completed during this period.

The ATD Program, which involves community monitoring NSD staff, served a total of 39 children during the Agreement's January 1, 2012 through June 30, 2012 term; most often for multiple months per individual (ranging from 1 to 3 months generally). Again, those cases served in the ATD Program prevented immediate placement in detention in an effort to maintain children in the community and prevent residential placement.

Accordingly, your Honorable Board's approval of the attached resolution is respectfully requested.

RAP/JR/cji

RESOLUTION

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

RESOLVED, that the County of Westchester is hereby authorized to amend an agreement, dated on or about January 1, 2012 with The Children's Village, Inc. (the "Contractor"), for the operation of a 1) Family Court Assistance Program and an 2) Alternative to Detention Program that provides diagnostic, educational and non-secure detention services to at-risk youth, for a term from January 1, 2012 through June 30, 2012 and for a not to exceed amount of \$1,308,723 (the "Agreement"), by 1) extending the term by six months from a term from January 1, 2012 through June 30, 2012, to a new term from July 1, 2012 through December 31, 2012, and 2) increasing the not-to-exceed amount by \$1,308,723, from an existing not-to-exceed amount of \$1,308,723, to a new total aggregate not-to-exceed amount of \$2,617,446; payable pursuant to an approved budget; and be it further

RESOLVED, that this Agreement is subject to County Appropriation; 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 authorized designee is authorized to execute all documents necessary to effectuate the purposes of this resolution.

Account to be
Charged/Credited

Year	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars
2012	101	39	2000	4380		\$1,308,723

Budget Funding Year(s): 2012 Start Date: 07/01/12 End Date: 12/31/12

Funding Source Tax Dollars 51%
 State Aid 49%
\$ 1,308,723 Federal Aid _____
 (Must match resolution) Other _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 06/30/2012 - JOHARY VIERA, SECRETARY