



Robert P. Astorino
County Executive

Department of Social Services

Kevin M. McGuire
Commissioner

51098

Date: February 10, 2016

To: The Board of Acquisition and Contract

From: Kevin M. McGuire
Commissioner of Social Services

Re: **Authority for the County of Westchester to terminate existing Foster Care and Educational Provider Agreements and enter into agreements utilizing the New York State Revised Model Contract for the Purchase of Foster Care Services with licensed and approved voluntary child care agencies and educational providers for the provision of institutional/group Foster Care, Adoption Services and educational services as listed in Schedule "A" attached hereto and made a part hereof effective on or about April, 2016 and continuing indefinitely until terminated by either party, in the total annual not to exceed amount of \$43,597,537 for the first year of the new contract term, to be paid monthly, pursuant to an approved budget, subject to future appropriations and at rates approved by the State.**

Authority is requested for the County of Westchester, acting by and through its Department of Social Services, to terminate existing foster care agreements and enter into agreements utilizing the New York State Revised Model Contract for the Purchase of Foster Care Services (the "NYS Model Agreement") with licensed and approved voluntary Child Care agencies for the provision of institutional/group Foster Care, Adoption Services and with the Educational Providers for the provision of educational services listed on Schedule "A" attached hereto and made a part hereof effective on or about April 1, 2016 and extending indefinitely until terminated with thirty (30) days prior written notice from either party to the other (the "Agreements") in the aggregate amount not to exceed **\$43,597,537** for the first year of the term of the Agreements, to be paid monthly, pursuant to an approved budget, and at rates approved by the State. The

aggregate not to exceed amount of the Agreements for subsequent years will be subject to future appropriations.

The NYS Model Agreement was recently revised to incorporate the requirements of the Preventing Sex Trafficking and Strengthening Families Act, which took effect on September 1, 2015 and the New York Code of Rules and Regulations which were promulgated to comply with the Act (18 NYCRR §§ 428.3, 428.5, 428.6, 428.9, 430.11, 430.12, 431.8, 441.25, 443.2 and 443.3) The proposed termination of the existing foster care agreements and their replacement with the New York State Revised Model Contract for the Purchase of Foster Care Services will not only incorporate recent changes to federal law and New York Regulations, but will also streamline the County's foster care agreements.

Pursuant to the proposed Agreements, the Department of Social Services obtains institutional/group foster care and adoption services from voluntary child care agencies and educational services for children placed in foster care from educational providers. The educational providers are needed for foster children who require specialized services and cannot be maintained in a less restrictive setting.

The not to exceed amount for each provider depends on usage patterns that can vary significantly from one period to another. The total aggregate amount to be expended by the County for the services pursuant to the proposed Agreements for the first year of the contract term shall not exceed \$ and shall be paid pursuant to an approved budget and subject to County appropriation at rates approved by the State.

The New York State Office of Children and Family Services sets the Maximum State Aid Rates ("MSAR") in July of each year for institutional/group foster care, adoption services and educational services. The Department agrees to pay these providers, on a monthly basis an amount equal to 100% of the MSAR as set by the New York State Office of Children and Family Services, up to the maximum state rate or an out-of-state rate, or at the Department's discretion, negotiated and agreed upon costs and rates based upon the needs and services provided by the Agency for children with special needs.

The New York State Office of Children and Family Services and the State Department of Education issue revised board and tuition rates in July of each year. Accordingly, the Department requests authorization to conform to the contract rates to the revised board and tuition rates when they are published provided that such revised rates do not, in the aggregate, exceed the contract amount authorized herein. The aggregate not to exceed amount of the Agreements for subsequent years will be subject to future appropriations.

These contracts are exempt from the Westchester County Procurement Policy pursuant to Section 3(a) (xviii) thereof.

The public purpose of the proposed agreement is to achieve the safety, well being and permanency for children placed in foster care by equipping the

Department with an adequate supply of institutional/group foster care facilities and adoption and educational services providers.

The goals and objectives of this program are to provide foster care settings which best meet the needs of the children placed, while providing permanency planning as well as adoption and educational services.

The goals and objectives are in the best interests of the County in terms of safety & security because Westchester County children have been temporarily removed from their families and placed in the temporary care and custody of the Commissioner of Social Services for their safety and well being. This contract is considered a support mechanism for our "at risk" families and for children who cannot remain in the community.

The goals and objectives are in the best interests of the County in terms of health & environment because these providers are licensed by the State to provide specialized services to safely care for youth who have been abused or neglected and cannot be cared for in a family foster home setting. The program also provides services to youth who have been adjudicated Juvenile Delinquent ("JD") or Persons In Need of Supervision ("PINS"). These services provide structured environments to keep the children off the street and promote the health and safety of the children. They also address and reduce the community issues of juvenile delinquency, school truancy and child substance abuse. This program helps promote a healthy community. Medical needs are being provided at each individual facility. Emotional health issues can also be addressed at each individual facility.

The goals and objectives are in the best interests of the County in terms of fiscal responsibility because the Department is adhering to the rates that are set and approved by the New York State Office of Children and Family Services. The State reviews and adjusts rates at least once a year to come up with rates that are most cost effective. The Department enters into contracts with different vendors that provide a myriad of services necessary to care for children at various levels of need such as Agency Board Home, Foster Boarding Homes, Group Homes, Group Residences and Institutions.

The goals and objectives of this contract will be tracked and monitored using the performance measurement indicators developed by the Department and approved by the County Budget Office. The program office will be responsible for setting the milestones and tracking their achievements.

The Department's Voluntary Child Care Providers served on average a total of 614 youth per month in 2015 under the current contracts. Our Educational Providers served on average a total of 104 youth per month under the current contracts.

For all the foregoing reasons, I respectfully request approval of the attached Resolution.

KMM/DI

RESOLUTION

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

RESOLVED, that the County of Westchester is hereby authorized to terminate existing foster care and educational provider agreements and enter into agreements utilizing the New York State Revised Model Contract for the Purchase of Foster Care Services (the "NYS Model Agreement") with the licensed and approved Voluntary Child Care Agencies for the provision of institutional/group foster care and adoption services and the educational providers for the provision of educational services associated with out-of-home placements listed in Schedule "A", attached hereto and made a part hereof, affective on or about April 1, 2016 and extending indefinitely until terminated with thirty (30) days prior written notice from either party to the other (the "Agreements") in the aggregate amount not to exceed **\$43,597,537** for the first year of the term of the Agreements, to be paid monthly, pursuant to an approved budget, and at rates approved by the State; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized to amend the Agreements subsequent to execution of the same in order to adjust the per diem rates to conform to the revised rates issued by the New York State Office of Children and Family Services and the State Department of Education at such time as the County is notified by the State of such revised rates during the contract term and subject to future appropriations; and be it further

RESOLVED, that these contracts are subject to future County appropriations; and be it further

RESOLVED, that these agreements are 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 these agreements. 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 these agreements or 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 the agreement upon reasonable prior written notice; and be it further

RESOLVED, that the County Executive or his authorized designee is empowered to execute any and all documents necessary to effectuate the purposes hereof.

Account to be
Charged/Credited

	Fund	Dept	Major Program, Program & Phase or Unit	Object/Sub- Object	Dollars
2016	101	22	8900	5635	\$11,903,653
2016	101	22	8900	5880	\$20,794,500
2017	101	22	8900	5635	\$3,967,884
2017	101	22	8900	5880	\$6,931,500

Budget Funding Year(s): 2016-17 Start Date: 4/1/16 End Date: Indefinite
(Must match resolution)

Funding Source		<u>5635</u>	<u>5880</u>
	Tax Dollars	29%	29%
	State Aid:	40%	41%
	Federal Aid:	31%	30%
	Other:		
<u>\$43,597,537</u>			

Must match resolution)

APPROVED BOARD OF ACQUISITION CONTRACT - 03/10/2016 - LISA MRIJAJ, SECRETARY

SCHEDULE "A"

ABBOTT HOUSE, INC.
ASTOR SERVICES FOR CHILDREN AND FAMILIES
BERKSHIRE FARM CENTER & SERVICES FOR YOUTH
CARDINAL McCLOSKEY SCHOOL & HOME FOR CHILDREN, INC.
CATHOLIC CHARITIES OF ALBANY DBA: COMMUNITY MATERNITY SERVICES
CHILDREN'S HOME OF KINGSTON
CHILDRENS HOME OF POUGHKEEPSIE
CHILDREN'S VILLAGE, INC.
EASTER SEALS NH, INC.
EAGLETON SCHOOL
EQUINOX, INC.
FAMILY SERVICES OF WESTCHESTER
FOUNDATIONS (ADDITION)
FERNCLIFF MANOR FOR THE RETARDED, INC. DBA: SAIL AT FERNCLIFF MANOR
GLEN MILLS SCHOOL
GRAHAM WINDHAM, INC.
GREEN CHIMNEY'S CHILDRENS SERVICES
HILLCREST EDUCATIONAL CENTERS, INC.
IN FLIGHT, INC.
JEWISH BOARD OF FAMILY & CHILDRENS SERVICES, INC.
JEWISH CHILD CARE ASSOCIATION OF NEW YORK
JULIA DYCKMAN ANDRUS MEMORIAL, INC.
KIDSPEACE NATIONAL CENTERS OF NORTH AMERICA, INC. (NY)
KIDSPEACE NATION CENTER, INC. (PA)
LASALLE SCHOOL
LEAKE & WATTS SERVICES, INC.
LINCOLN HALL
MERCY FIRST
NORTH AMERICAN FAMILY INSTITUTE, INC. – NY
NORTHEAST PARENT & CHILD SOCIETY
ACCESS FOR LIVING FOUNDATION
SCO FAMILY OF SERVICES
ST. ANNE INSTITUTE
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APPROVED FOR THE SUPERVISOR CONTRACT - 03/10/2016 - LISA MRISSE, SECRETARY

ST. CHRISTOPHER'S, INC.
ST. COLMAN'S HOME
ST. JOHN BOSCO CHILD & FAMILY SERVICES, INC.
STETSON SCHOOL, INC.
WOODS SERVICES
YONKERS RESIDENTIAL CENTER
YOU GOTTA BELIEVE
GREENBURGH – NORTH CASTLE UFSD
GREENBURGH 11 – UFSD
GREENBURGH GRAHAM UFSD
HAWTHORNE CEDAR KNOLLS – UFSD
MT. PLEASANT BLYTHDALE – UFSD
MT. PLEASANT COTTAGE SCHOOL - UFSD

APPROVED BOARD OF ACQUISITION & CONTRACTS 03/10/2016 - LISA MRIJAJ, SECRETARY