

82184

To: The Honorable Board of Acquisition and Contract

From: Rocco A. Pozzi
Commissioner
Department of Probation

Date: January 19, 2021

Re: Authority to amend an agreement with Children's Village, Inc. for the provision of secure/specialized secure detention and related services at Woodfield Secure Detention Cottage from January 1, 2018 through December 31, 2020 in an amount not to exceed \$31,057,649.40 in order to increase the not to exceed amount of the agreement by \$934,783.26 for the period January 1, 2020 through December 31, 2020, to a new total not to exceed amount of \$31,992,432.66.

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 was 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 was 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 period January 1, 2019 through December 31, 2019 by an additional \$7,654,780 which increased the total not to exceed amount of the Agreement to \$18,078,712.98. The second amendment was executed.

On May 14, 2020 your Honorable Board authorized the County to enter into a Third Amendment Agreement to increase the third year of the agreement for the period December 1, 2019 through December 31, 2020 by an additional \$12,978,936.42 which increased the not to exceed amount of the agreement to \$31,057,649.40. The third amendment was 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 \$934,783.26 which will increase the not to exceed amount of the agreement to \$31,992,432.66, for the period January 1, 2020 through December 31, 2020. This additional sum was necessitated by the pandemic and required to safely operate Woodfield Detention Facility throughout the pandemic and ensure adherence to Federal, State and County protocols and guidelines as they pertain to COVID 19 /infectious disease protocols. All other terms and conditions of the Agreement, as amended 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 youth detainees in the facility, staff who work at the facility, family members of detainees and staff as well as residents of the County. Children's Village has complied with all laws, orders, and rules promulgated by New York, Westchester County and the Centers for Disease Control relating to COVID 19 protocols, disinfection, social distancing, personal protective equipment, supplies, sanitization, workplace safety and child safety as it relates to the operation of Woodfield Cottage. Children's Village also complied and continues to comply with Executive Orders and Emergency Orders issued by NY State Governor Andrew Cuomo and Westchester County Executive George Latimer for the State and the County as well as with State and County Health Commissioner's Standing Order on Isolation with lab confirmed COVID 19 testing, release from isolation criteria, and return to work protocols issued by the NYS Department of Health, as well as compliance with the Office of Children and Family Services and the State Commission of Correction directives regarding COVID 19 in detention facilities. In March 2020, Woodfield Cottage Secure and Specialized Secure Detention Facility sustained a mass COVID 19 exposure impacting the facility. During the period February 2020 through December 31, 2020, it took substantial financial commitment and resources, in excess of the previously agreed to contract budget, to maintain the continued safe operation of the facility for youth and staff throughout the pandemic. The additional funds requested in the proposed amendment will ensure adequate supplies, personal protective equipment, direct care and medical staff, test kits and updated procedures and protocols will be available to impede/contain the spread of the virus within the facility.

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, in an amount not to exceed \$31,057,649.40, (the “Agreement”) in order to increase the not to exceed amount for the period January 1, 2020 through December 31, 2020 by \$934,783.26 to a new total amount not to exceed \$31,992,432.66 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
 Third Amendment \$12,978,936.42
This Amendment: \$934,783.26
 TOTAL: \$31,992,432.66

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	4998		\$931,072.39
101	39	2000/2200	3998		\$3,710.87

Budget Funding Year(s) 2020 Start Date: 1/1/20 End Date: 12/31/2020

(must match resolution)

Funding Source

\$934,783.26

(must match resolution)

Tax Dollars _____

State Aid : _____

Federal Aid: \$934,783.26

Other _____

*anticipated to be reimbursed from COVID CARES FUNDING ACT