



George Latimer
County Executive

Department of Social Services

Leonard G. Townes
Commissioner

86562

Date: July 29, 2021

To: The Board of Acquisition and Contract

From: Leonard G. Townes
Commissioner of Social Services

Re: **Authority for the County of Westchester to terminate Twenty-Eight (28) existing agreements with voluntary child care agencies for the provision of institutional/group foster care, adoption and related services and enter into Thirty (30) new agreements utilizing the New York State Revised Model Contract for the Purchase of Foster Care Services with approved voluntary child care agencies effective upon execution thereof and continuing indefinitely until terminated by either party, 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 the Department of Social Services (the "Department"), to terminate Twenty-Eight (28) existing foster care agreements listed on Schedule "A" attached hereto and enter into Thirty (30) new agreements (the "New Agreements") with the voluntary child care agencies the "Agencies") listed on Schedule "B" attached hereto for the provision of institutional/group foster care, adoption and related services utilizing the New York State Revised Model Contract for the Purchase of Foster Care Services (the "NYS Model Agreement"). The termination of the existing agreements and commencement of the New Agreements will be effective upon execution of the New Agreements and will continue indefinitely until terminated with thirty (30) days prior written notice from either party to the other. The agreements with agencies that will be terminated and not be renewed (those on Schedule "A" that are not on Schedule "B") will terminate upon thirty (30) days prior written notice. While the total amount to be paid to each provider depends on usage patterns that can vary significantly from one period to another, the anticipated aggregate annual amount the County will pay is approximately \$33,000,000.00, to be paid monthly, pursuant to an

approved budget, and at rates approved by the State. This expense is reimbursed at approximately 60% by various State and Federal sources. The aggregate amount of the Agreements for subsequent years will be subject to future appropriations.

The New York State Office of Children and Family Services (“OCFS”) recently revised the NYS Model Agreement to incorporate the requirements of the New York State Raise The Age Law (“RTA”), Part WWW of Chapter 59 of the Laws of 2017, which took effect, in part, on October 1, 2018 and, in part on October 1, 2019, as well as the applicable sections of the New York Code of Rules and Regulations. By an Administrative Directive issued on December 20, 2018, OCFS described the enhanced model of residential treatment required under RTA and “strongly encouraged” local departments of social services to develop new contracts and/or amend existing contracts with all volunteer agencies operating RTA programs. The proposed termination of the existing foster care agreements and their replacement with the New Agreements, using the NYS Model Agreement as a template, will incorporate the changes mandated by RTA.

OCFS 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 the Agencies, on a monthly basis at a rate equal to 100% of the MSAR as set by OCFS, 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 public purpose of the proposed agreements 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 ensure compliance with the requirements of RTA.

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 and to ensure compliance with the requirements of RTA.

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

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

LGT/BAG/jrc

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 twenty-eight (28) existing foster care agreements listed on Schedule "A" attached hereto and enter into Thirty (30) new agreements (the "New Agreements") with the voluntary child care agencies (the "Agencies") listed on Schedule "B", attached hereto, for the provision of institutional/group foster care, adoption and related services utilizing the New York State Revised Model Contract for the Purchase of Foster Care Services (the "NYS Model Agreement"); and be it further

RESOLVED, that the termination of the existing agreements and commencement of the New Agreements will be effective upon execution of the New Agreements and will continue indefinitely until terminated with thirty (30) days prior written notice from either party to the other; and be it further

RESOLVED, that the agreements with agencies that will be terminated and not be renewed (those on Schedule "A" that are not on Schedule "B") will terminate upon thirty (30) days prior written notice; and be it further

RESOLVED, that the Agencies shall be paid on a monthly basis at a rate equal to 100% of the MSAR as set by OCFS, 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; 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
101	22	8900	5635	\$11 million
101	22	8900	5880	\$22 million

Budget Funding Year(s): 2021
(Must match resolution)

Start Date: Upon Execution

End Date: Indefinitely

Funding Source

\$ 33,000,000.00

(Must match resolution)

	5880	5635
Tax Dollars:	42%	1%
State Aid:	34%	0%
Federal Aid:	24%	99%
Other:	N/A	N/A

APPROVED BOARD OF ACQUISITION & CONTRACTS 09/02/2021 RAYMOND SCULKY, SECRETARY

Schedule A
(Agreements to be Terminated)

1. Abbott House, Inc.
2. Access: Supports for Living (formerly Occupation)
3. Astor Services for Children and Families
4. Cardinal McCloskey School and Home for Children, Inc.
5. Catholic Charities of Albany DBA: Community Maternity Services
6. Children's Home of Kingston
7. Children's Home of Poughkeepsie
8. Children's Village
9. Easter Seals NH, Inc.
10. Family Services of Westchester
11. Ferncliff Manor for The Retarded, Inc. DBA Sail at Ferncliff Manor
12. Hillcrest Educational Centers, Inc.
13. Jewish Child Care Association of New York
14. Julia Dyckman Andrus Memorial, Inc.
15. Kidspace National Centers of North America, Inc. (NY)
16. Kidspace Nation Center, Inc. (PA)
17. Leake & Watts Services, Inc. (currently Rising Ground)
18. Lincoln Hall
19. Mercy First
20. North American Family Institute, Inc.
21. St. Anne Institute
22. St. Christopher's Inc.
23. Stetson School, Inc.
24. Yonkers Residential Center
25. You Gotta Believe
26. AWIXA Home of LI, Inc.
27. Villa of Hope Youth and Family Services
28. The William George Agency of Children's Services, Inc.

Schedule B
(New Agreements)

1. ABBOTT HOUSE
2. ACCESS: SUPPORTS FOR LIVING, INC.
3. ASTOR SERVICES FOR CHILDREN AND FAMILIES
4. CARDINAL MCCLOSKEY SCHOOL AND HOME FOR CHILDREN
5. CATHOLIC CHARITIES OF THE DIOCESE OF ALBANY DBA COMMUNITY MATERNITY SERVICES
6. THE CHILDRENS' HOME OF KINGSTON, NEW YORK
7. CHILDREN'S HOME OF POUGHKEEPSIE, N.Y.
8. THE CHILDREN'S VILLAGE
9. EASTER SEALS NEW HAMPSHIRE, INC.
10. FAMILY SERVICES OF WESTCHESTER, INC.
11. SCHOOL FOR THE ADAPTIVE AND INTEGRATIVE LEARNING (SAIL) AT FERNCLIFF MANOR, INC.
12. HILLCREST EDUCATIONAL CENTERS, INC.
13. JEWISH CHILD CARE ASSOCIATION OF NEW YORK
14. JULIA DYCKMAN ANDRUS MEMORIAL, INC.
15. KIDSPACE NATIONAL CENTERS OF NORTH AMERICA, INC.
16. KIDSPACE NATION CENTER, INC. (PA)
17. RISING GROUND, INC.
18. LINCOLN HALL
19. MERCYFIRST
20. NAFCONNECTICUT, INC.
21. SAINT ANNE INSTITUTE
22. ST. CHRISTOPHER'S INC.
23. STETSON SCHOOL, INC.
24. YOU GOTTA BELIEVE! THE OLDER CHILD ADOPTION & PERMANENCY MOVEMENT, INC.
25. AWIXA HOME OF LI, INC.
26. VILLA OF HOPE
27. THE WILLIAM GEORGE AGENCY FOR CHILDREN'S SERVICES. INC.
28. FAMILY & CHILDREN'S AGENCY, INC.
29. CORNELL ABRAXAS GROUP, INC.
30. CORNELL CORRECTIONS OF CALIFORNIA, INC.