



George Latimer  
County Executive

Department of Social Services

Leonard G. Townes  
Commissioner

**90821**

Date: February 9, 2022

To: The Board of Acquisition and Contract

From: Leonard G. Townes  
Commissioner of Social Services

Re: **1. Request authority to rescind a Resolution approved on September 2, 2021 which granted 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.**

**2. Authority for the County of Westchester to terminate Thirty Two (32) existing agreements with voluntary child care agencies for the provision of institutional/group foster care, adoption and related services and enter into Thirty Four (34) new agreements utilizing the New York State 2021 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.**

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By a resolution of your Honorable Board on September 2, 2021, the County of Westchester (the "County"), acting by and through the Department of Social Services (the "Department"), was authorized to terminate twenty-eight (28) existing foster care agreements with voluntary child care agencies ("Agencies") 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 NYS Model Agreement for which the Department sought your Honorable Board's approval to utilize had been issued in or about July, 2018. No action has been taken with respect to the Agencies' agreements your Honorable Board authorized the County to terminate or enter into.

The Department was subsequently informed that, on August 30, 2021, New York State issued an administrative directive to all Commissioners of Social Services to utilize a newly revised (2021) Model Contract for the Purchase of Foster Care Services (the "2021 NYS Model Contract"). Additionally, the Department has since updated its list of Agencies whose agreements it seeks to terminate and those with whom it seeks to enter into new agreements utilizing the 2021 NYS Model Contract.

Accordingly, the Department respectfully requests that the September 2, 2021 Resolution of your Honorable Board be rescinded. Further, the Department respectfully requests authority for the County to terminate Thirty Two (32) existing agreements with Agencies listed on Schedule "A" attached hereto and enter into Thirty Four (34) agreements (the "New Agreements") with the Agencies listed on Schedule "B" attached hereto for the provision of institutional/group foster care, adoption and related services utilizing the 2021 NYS Model Contract. 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 from the Department.

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 \$36,000,000.00, 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 2021 NYS Model Contract incorporates the requirements contained in the Family First Prevention Services Act ("FFPSA"), P.L. 115-123 signed into law on February 9, 2018 which took effect on September 29, 2021 as well as the applicable sections of the New York Code of Rules and Regulations to both RTA and FFPSA.

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 the FFPSA.

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

APPROVED BOARD OF ACQUISITION & CONTRACT - 02/24/2022 - RAYMOND SCUKY, SECRETARY

## RESOLUTION

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

**RESOLVED**, that the County of Westchester is authorized to rescind a Resolution dated September 2, 2021 authorizing County of Westchester to terminate twenty-eight (28) existing foster care agreements and enter into Thirty (30) new agreements with the voluntary child care agencies (the "Agencies") for the provision of institutional/group foster care, adoption and related services utilizing the (2018) New York State Revised Model Contract for the Purchase of Foster Care Services; and be it further

**RESOLVED**, that the County of Westchester is hereby authorized to terminate Thirty Two (32) existing agreements with Agencies listed on Schedule "A" attached hereto and enter into Thirty Four (34) agreements (the "New Agreements") with the Agencies listed on Schedule "B" attached hereto for the provision of institutional/group foster care, adoption and related services utilizing the utilizing the 2021 version of the New York State Model Contract for the Purchase of Foster Care Services; 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.

APPROVED BOARD OF ACQUISITION & CONTRACT - 02/24/2022 - RAYMOND SCULKY, SECRETARY

Account to be  
Charged/Credited

Fund	Dept	Major Program, Program & Phase or Unit	Object/Sub- Object	Dollars
101	22	8900	5635	\$10 M
101	22	8900	5880	\$21 M
101	22	3500	5881	\$5 M

Budget Funding Year(s): 2021 Start Date: Upon Execution End Date: Indefinitely  
(Must match resolution)

		5635	5880	5881
Funding Source	Tax Dollars:	24%	42%	0%
	State Aid:	48%	34%	100%
\$36,000,000.00	Federal Aid:	28%	24%	0%
(Must match resolution)				

APPROVED BOARD OF ACQUISITION & CONTRACTS 02/24/2022 - RAYMOND SCULLY 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.
29. Elks Aidmore, Inc.
30. National Mentor Healthcare, LLC dba Pennsylvania Mentor
31. Graham-Windham, Inc.
32. Woods Services

2/9/2022

**SCHEDULE B**  
**(New Agreements)**

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

2/9/2022