

Kenneth W. Jenkins
Westchester County Executive

Department of Social Services

Leonard G. Townes
Commissioner

110176

DATE: December 20, 2024

TO: Honorable Members of the Board of Acquisition and Contract

FROM: Leonard G. Townes, Commissioner
Department of Social Services

SUBJECT: Resolution authorizing the County of Westchester to enter into a Memorandum of Understanding with the New York State Office of Children and Family Services to receive a grant in the amount of \$1,118,967 to provide registration activities for school-age child care providers and registered family day care providers, and to conduct investigations, oversee fingerprinting of care providers and their employees, and process complaints, for the period from January 1, 2025 through December 31, 2025; and to enter into a separate agreement with the Child Care Council of Westchester, Inc. for the same period to perform the aforementioned services for an amount not to exceed \$1,063,019.

Authorization is requested for the County of Westchester (the "County"), acting by and through its Department of Social Services (the "Department" or "DSS") to enter into a Memorandum of Understanding ("MOU"; DSS7009-25) with the New York State Office of Children and Family Services ("NYS OCFS") to receive a grant in the amount of \$1,118,967 which the County would utilize to provide registration activities for school-age child care providers and registered family day care providers. The aforesaid grant amount will also be used to conduct mandatory investigations, oversee fingerprinting of care providers and their employees, and process complaints registered against child care providers. The term of this MOU will be from January 1, 2025 through December 31, 2025.

Authorization is also requested for the County, acting by and through the DSS, to enter into a separate agreement (DSS7009A-25) with the Child Care Council of Westchester, Inc. ("CCCW") to provide the above stated services and activities (the "Agreement"). The term of this Agreement will be from January 1, 2025 through December 31, 2025 for an amount not to exceed \$1,063,019, (\$55,948 will be deducted from \$1,118,967 for

the Department's administrative fees), to be paid on a quarterly basis pursuant to an approved budget and subject to appropriation.

Funding for these services is one hundred percent (100%) reimbursable through the Federal Child Care Development Fund. Child Care Development Fund is exempt from the competitive procurement requirements of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (formerly, the Grants Management Common Rule). Therefore, this contract falls under the exempt category.

In addition, Westchester County takes 5% of the \$1,118,967 (\$55,948) for administrative fees as is allowed by the NYS OCFS.

The MOU with the NYS OCFS does not constitute procurement and as such, the Westchester County Procurement Policy does not apply.

A resolution requesting authority to exempt the proposed agreement with the CCCW from the requirements of the Westchester County Procurement Policy and Procedures pursuant to Section 3(a) xxi has been submitted separately for your Honorable Board's approval.

The CCCW is the Child Care Resource and Referral agency for Westchester County pursuant to Title 5-B of the Social Services Law. The CCCW is a Westchester County-based agency that is designated and staffed to conduct the required services. It is essential that the agency performing these services have an established relationship with the day care providers in this County and an established relationship with NYS OCFS. The CCCW is the only such agency. They have been the provider of the requested services for approximately 23 years. Their performance is monitored by the NYS OCFS and they are subject to fiscal sanctions should they not achieve state mandates. The Department is able to report that from January 1, 2024 through November 30, 2024, the CCCW has not received any sanctions as a result of major non-compliance with performance standards.

The services to be provided by the proposed agreements will serve a public purpose in that the County will assist in making safe and affordable day care services available to low income families in the County of Westchester.

The goals and objectives are to provide safe, affordable child care to eligible families.

The goals and objectives are in the best interest of the County regarding public health and safety in that they are aimed at ensuring the well-being of children placed with these providers. In order to promote safety, the providers and their employees are fingerprinted and they then undergo a criminal background check. The CCCW also investigates complaints and non-compliance allegations regarding providers.

Furthermore, the goals and objectives are in the best interest of the County regarding fiscal responsibility because the availability of safe and affordable child care eliminates

child care as an impediment to employment for parents/guardians who meet financial and programmatic guidelines.

The operation of the program is overseen and monitored by the New York State Office of Children and Family Services. The CCCW is required to provide quarterly reports to the NYS OCFS. In addition, the CCCW is subject to quarterly fiscal sanctions for deficits in meeting the following goals:

- Processing and resolving initial registration applications within six months
- Processing/initiating enforcement action prior to the lapse date
- Making determinations on the validity of complaints within sixty days
- Conducting one quarter of the mandated inspections
- Maintaining the staffing level

I certify that my department,

- a) has copies of, or access to, all applicable laws, rules, regulations, grant applications and grant agreements (including any master grant agreement), as well as any guidance or instructions received from the agency making the grant (the "Grant Terms"),
- b) has reviewed the Grant Terms,
- c) is aware of and understands all of the Grant Terms, and
- d) will comply with all of the Grant Terms.

We respectfully request approval of the attached Resolution by your Honorable Board.

Attachment

LGT/EM/tml

APPROVED BOARD OF ACQUISITION & CONTRACTS 01/16/2025 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 (the "County"), acting by and through its Department of Social Services (the "Department"), is hereby authorized to enter into a Memorandum of Understanding ("MOU", DSS7009-25) with the New York State Office of Children and Family Services to receive a grant in the amount of \$1,118,967 which the County of Westchester Department of Social Services would utilize to provide registration activities for school-age child care providers and registered family day care providers and conduct mandatory investigations, oversee fingerprinting of care providers and their employees, and process complaints registered against child care providers (the "Services") for the period from January 1, 2025 through December 31, 2025; and be it further

RESOLVED, that the County, through the Department, is hereby further authorized to enter into an agreement (DSS7009A-25) with the Child Care Council of Westchester, Inc. to provide the Services for the period from January 1, 2025 through December 31, 2025 for an amount not to exceed \$1,063,019, to be paid on a quarterly basis pursuant to an approved budget (the "Agreement"); and be it further

RESOLVED, that the County, through the Department, will hold \$55,948 (5% of the grant amount \$1,118,967) for administrative fees as is allowed by the NYS OCFS.

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 hereby authorized to execute all necessary and appropriate documents to effectuate the purposes hereof.

1. Account to be Charged/Credited:

	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
2025 Revenue	263	22	A445	9853	T445	\$1,118,967
2025 Expense	263	22	A445	4380	T445	\$1,063,019

2. Budget Funding Year(s): 2025

Start Date: January 1, 2025 End Date: December 31, 2025
(must match resolution)

3. Funding Source:

Federal	100%	CFDA#(s)	93.575		
State	0%	State ID#(s)	N/A		
Operating/ Tax Levy	0%				
Capital	N/A				

4. Total NTE:

\$1,118,967 (Revenue)
\$1,063,019 (Expense)
(must match resolution)

APPROVED BOARD OF ACQUISITION & CAPITAL PROJECTS - 2025 - RAYMOND SCULKY, SECRETARY