

Department of Health

10 County Center Road, 2<sup>nd</sup> Floor  
White Plains, NY 10607

**49393**

TO: The Board of Acquisition and Contract

FROM: Sherlita Amler, M.D.  
Commissioner of Health

DATE: November 9, 2015

RE: Authority to assign an agreement dated March 1, 2015 with the City of New York, for the provision of HIV-related services pursuant to Part A of the Federal Ryan White HIV/AIDS Treatment Extension Act, for residents of the Counties of Westchester, Rockland and Putnam in an amount not to exceed \$19,500,000 for the budget period from March 1, 2015 through February 28, 2018 (the Agreement”) to Public Health Solutions effective as of December 1, 2015.

Contract Period: 3/1/15 – 2/28/18  
Amount: \$19,500,000

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By Act No 2015-197 the Westchester County Board of Legislators authorized the County to assign an agreement dated March 1, 2015 with the City of New York, by and through its Department of Health and Mental Hygiene, for the provision of HIV-related services pursuant to Part A of the Federal Ryan White HIV/AIDS Treatment Extension Act, for residents of the Counties of Westchester, Rockland and Putnam in an amount not to exceed \$19,500,000 for the budget period from March 1, 2015 through February 28, 2018 (the Agreement”) to Public Health Solutions effective as of December 1, 2015.

In 1991, the County first entered into Intergovernmental Agreements with the City of New York and the Counties of Rockland and Putnam, on an ongoing basis, as part of its participation in the Ryan White CARE Act of 1990. This participation was authorized by the Board of Legislators on July 10, 1991. Pursuant to Title I of the CARE Act, the federal Health Resources & Services Administration had determined that the City of New York and the Counties of Westchester, Rockland and Putnam together (the “Tri-County region”) comprised an eligible metropolitan area and, therefore, qualified for financial support from the program. Since 1991 the New York City Department of Health and Mental Hygiene (“NYC”) and the Westchester County Department of Health (“WCDH”) entered into contract under the CARE Act, and subsequently under Part A of the present-day reauthorized Ryan White HIV/AIDS Treatment Extension Act (the “Act”), to fund HIV-related outpatient health and support services for residents in the Tri-County region through February 28, 2018.

In January 2015 NYC, pursuant to its' authority under the Act, advised the Department of Health of its intent to transfer all Ryan white contract management to Public Health Solutions, 40 Worth Street, New York, NY later this year. Given the increasing program demands and financial burden for the Department of Health to administer the Tri-County Ryan White program under the Act's 10% administrative cap, NYC has determined that there will in fact be savings if Public Health Solutions, which is already administering Ryan White provider contracts in New York City, takes over administration for the Tri-County region as well. The Department of Health and NYC have developed a transition plan and all Tri-County Ryan White providers have been apprised of the planned changeover. Accordingly, the approval of your Honorable Board is requested to authorize the proposed assignment of the Agreement effective as of December 1, 2015.

Pursuant to a resolution dated March 19, 2015, the Agreement was executed effective as of March 1, 2015. In order to implement the transition plan detailed above, authority is currently requested to assign the Agreement to Public Health Solutions effective as of December 1, 2015.

The proposed assignment agreement is exempt from Section 3(a)(xiv) of the Procurement Policy relating to procurements "for the purpose of entering into a contract or contracts with not for profit organizations for the purposes of providing aid, care and support to persons in need of public assistance."

Approval of the attached resolution is respectfully requested.

SA/DI  
Enc.

## **RESOLUTION**

Upon a communication from the Commissioner of Health, be it hereby

**RESOLVED**, that the County is hereby authorized to assign an agreement dated March 1, 2015 with the City of New York, Department of Health and Mental Hygiene, for the provision of HIV-related services pursuant to Part A of the Federal Ryan White HIV/AIDS Treatment Extension Act, for residents of the Counties of Westchester, Rockland and Putnam in an amount not to exceed \$19,500,000 for the budget period from March 1, 2015 through February 28, 2018 (the Agreement”) to Public Health Solutions effective as of December 1, 2015; and be it further

**RESOLVED**, that the County Executive or his duly authorized designee be and hereby is authorized and empowered to execute any and all documents necessary to effectuate the purposes of this resolution in the manner prescribed by law.

APPROVED BOARD OF ACQUISITION & CONTRACTS - 11/9/2015 - JONATHAN COCCARDI, SECRETARY