

Robert P. Astorino
County Executive

Department of Social Services

Kevin M. McGuire
Commissioner

Philippe Gille
First Deputy Commissioner

50936

Date: February 8, 2016

To: Honorable Board of Acquisition and Contract

From: Kevin McGuire, Commissioner
Department of Social Services

RE: **Authority to enter into an agreement with Laboratory Corporation of America Holdings to provide genetic marker test services and supportive testimony as ordered by the Family Court in disputed paternity proceedings for a total amount not-to-exceed \$30,000 to be paid on a monthly basis pursuant to an approved budget and subject to appropriation, on a per task basis at the rate of \$29.95 per person tested which also includes the cost of expert witness testimony for the term January 1, 2016 through December 31, 2016 with the County having the option to extend the contract for two (2) additional one-year terms upon the same price, terms and conditions**

Authority is requested for the County of Westchester to enter into an agreement with Laboratory Corporation of America Holdings to provide genetic marker test services and supportive testimony as ordered by the Family Court in dispute paternity proceedings for the term of January 1, 2016 through December 31, 2016 for an amount not to exceed \$30,000 to be paid pursuant to an approved budget and subject to appropriation on a per task basis at the rate of \$29.95 per person tested which also includes the cost of expert witness testimony. Authority is also requested for the County to have the option to extend the contract for two (2) additional one-year terms upon the same price, terms and conditions.

Under the Family Court Act of the State of New York, the alleged father in a paternity proceeding has the right to request a genetic marker test to determine whether or not he can be excluded as the father of a child. The Office of Child Support Enforcement makes every effort to recoup the cost of these tests. However, if the court finds the

alleged father indigent, and the child is then, or is likely to be, in receipt of public assistance, the court may direct the Department to pay for the test.

The proposed agreement would provide for the performance of Deoxyribonucleic Acid ("DNA") tests, which produce probabilities of paternity of 99% or greater. In addition, the agreement requires that Laboratory Corporation be prepared and available to provide expert witness testimony should the need arise.

The services to be provided pursuant to the proposed agreement will serve a **public purpose** by assisting the County of Westchester to ensure the safety and welfare of those children whose paternity is in dispute as the tests conducted pursuant to this agreement would establish the paternity and provide for the child's support once the paternity is established and thus help in promoting the economic security and wellbeing of the family.

The **goals and objectives** of this program are to help IV-D customers (clients involved in paternity proceedings pursuant to the Family Court Act of the State of New York) obtain and retain financial security and achieve self sufficiency, thereby eliminating the need for temporary assistance.

The **goals and objectives as stated above are in the best interests of the County in terms of fiscal responsibility** as they assist in reducing the tax dollars spent on public assistance to the targeted population by making the fathers pay for the support of the children and families. Through the tests conducted pursuant to this program, the paternity is established and the alleged father is ordered by Court to pay for the child's support, thus shifting the responsibility of providing assistance to these families and children from County government to private individuals.

The **goals and objectives of this contract will be tracked and monitored** by the Department using the established DSS Performance Measurement Indicators, as well as the Child Support Management System measurement indicators established by the State and GenLink Internet Access.

The Department is able to report that more than 180 families were served through this program during the current contract year (January through December, 2015) by providing them with genetic marker test results admissible in Family Court. In 2015, the vendor, Laboratory Corporation of America Holdings was 100% successful in providing genetic marker test results within ten (10) business days. Of the 180 families tested, paternity was established for 145 of them. In the other 35 cases, the respondent was excluded as the father.

This agreement is exempt from the Westchester County Procurement Policy pursuant to Section 3(a)viii which exempts procurements for contracts for medical or health related services. Nevertheless, in 2015, the Department requested written price quotes from 11 genetic testing laboratories approved by the New York State Office of Disability and Temporary Assistance (see attached). Laboratory Corporation, the current

provider of such services to the Department, submitted a price quote, at a rate of \$29.95 per person tested through 2016. In addition to its competitive price, Laboratory Corporation was selected due to its proven ability under the present agreement to provide services that are flexible and reliable at the Department's three (3) Family Court sites. They also have provided software and technical support to obtain testing results on line at no additional cost to the County.

Accordingly, the County of Westchester is hereby requesting permission to enter into an agreement with Laboratory Corporation of America Holdings for the aforesaid purpose.

A resolution requesting the same is attached for your Honorable Board's approval.

APPROVED BOARD OF ACQUISITION & CONTRACT - 03/09/2016 - USA - MRIJASUCREAFAM

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 enter into an agreement with Laboratory Corporation of America Holdings to provide genetic marker test services and supportive testimony as ordered by the Family Court in disputed paternity proceedings for a total amount not-to-exceed \$30,000 to be paid on a monthly basis pursuant to an approved budget on a per task basis at the rate of \$29.25 per person tested which also includes the cost of expert witness testimony for the term from January 1, 2016 through December 31, 2016 (the "Agreement"); and be it further

RESOLVED, that the County, at its sole option, may extend the term of the Agreement for up to two (2) additional one (1) year terms upon the same price, terms and conditions; and be it further

RESOLVED, that this Contract 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 duly authorized representative is hereby authorized to execute all documents and to take all actions, necessary and appropriate, to effectuate the purposes hereof.

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars
101	22	8000-8110	4420	-----	\$30,000

Budget Funding Year(s): 2016
(must match resolution)

Start Date: 1/1/16 End Date: 12/31/16

Funding Source

Tax Dollars: 41 %

State Aid: 0%

\$30,000

Federal Aid: 59 %

(must match resolution)

Other:

APPROVED BOARD OF ACQUISITION & CONTRACT MGT. 03/03/2016 - LISA MARIJA, SECRETARY

GENETIC MARKER TESTING PRICE QUOTES

Laboratory Corporation of America

Quote from current vendor of \$29.95 per test for the 2016 year contract and \$29.95 per test for two twelve month extensions in 2017 and 2018.

The following 10 New York State approved laboratories were contacted and failed to submit a quote:

1. **Chromosomal Labs Bode Technology**
2. **Advanced Genetics Testing Laboratory LLC**
3. **Independent Forensics of Illinois**
4. **Indiana Blood Center**
5. **Paternity Testing Corporation**
6. **Genetic Technologies Inc**
7. **DNA Diagnostics Center**
8. **DNA Solutions, Inc**
9. **Sorenson Genomics-Identigene,**
10. **AlBiotech dba, Fairfax Identity Laboratories**

Laboratory Corporation of America has provided reliable, efficient service to Westchester County Office of Child Support Enforcement continuously for 19 years from 1997 to 2015. The laboratory has 20 patient service centers in Westchester County, 127 patient service centers in New York State and 1,800 patient service centers nationwide and 10,800 sites in total. This laboratory employs 1400 individuals in New York State. Therefore, the Office of Child Support Enforcement has selected this laboratory.