

**51520**

**DATE:** March 15, 2016

**TO:** Board of Acquisition and Contract

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

**RE:** Request Authority to enter into a Contract Amendment with the New York State Department of Health for the Pre Exposure Prophylaxis Initiative Grant to accept additional funding in the not-to-exceed amount of \$528,000, pursuant to an approved budget, for a total not-to-exceed amount of \$748,000, and to authorize Westchester County to defend and indemnify the New York State Department of Health pursuant to the agreement. Amended amount as follows:

<u>Amended Resolution</u>	<u>Amended Contract</u>
Term: 10/1/14 – 3/31/19	Term: unchanged
Amount: Not-to-Exceed \$220,000	Amount: \$748,000

On December 11, 2014, Your Honorable Board approved a Resolution (the “December 11, 2014 Resolution”) authorizing the County of Westchester, acting by and through its Department of Health (the “WCDH”), to enter into contract with the New York State Department of Health (the “NYSDOH”) to accept funding for the Pre Exposure Prophylaxis Initiative Grant, pursuant to an approved budget, for the contract period 10/1/14 – 3/31/15, in the amount not-to-exceed \$44,000. This contract was not sent and therefore not executed.

On February 26, 2015, Your Honorable Board approved an Amended Resolution (the “February 26, 2015 Resolution”) authorizing the County of Westchester, acting by and through its Department of Health (the “WCDH”), to enter into contract with the New York State Department of Health to accept additional funding in the not-to-exceed amount to \$220,000, pursuant to an approved budget, for the Pre Exposure Prophylaxis Initiative Grant (“PrEP”), and to extend the contract period to 3/31/19. This contract has been executed.

The WCDH has since received further notification from the NYSDOH that a contract amendment will be sent to increase the funding amount. The request to enter into a contract amendment is required to increase the funding amount by \$528,000 to the new not-to-exceed amount of \$748,000, pursuant to an approved budget.

The agreement requires the County to indemnify the New York State Department of Health as follows:

“The Contractor shall be solely responsible and answerable in damages for any and all accidents and/or injuries to persons (including death) or property arising out of or related to the services to be rendered by the Contractor or its subcontractors pursuant to this Master Contract. The Contractor shall indemnify and hold harmless the State and its officers and employees from claims, suits, actions, damages and cost of every nature arising out of the provision of services pursuant to the Master Contract.”

This contract amendment will promote the public health and general welfare of County residents by preventing high risk individuals from becoming infected with HIV. The initiative will advance access to PrEP by providing access to PrEP medical providers and anti-retroviral medication to be prescribed.

The goals and objectives of this program are to promote community buy-in and support for PrEP therapy use; increase understanding of how to identify and engage patients/clients about PrEP; build a referral directory of PrEP service providers; and make appropriate referrals to service agencies and medical providers. The initial funding year will include a Planning & Educational Summit for the introduction of PrEP into the service system. A series of trainings for WCDH STD/HIV clinic staff on how to identify, assess, and refer high-risk patients will be provided as well.

This program will be monitored by tracking the number of high-risk individuals identified as candidates and referred for PrEP therapy as well as monthly reviews of all program activities. This information will be reported electronically to the New York State Department of Health.

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.) can and will comply with all of the Grant Terms.

All other terms and conditions of the original contract shall remain unchanged.

Approval of the attached resolution is respectfully requested.

/md  
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT ADMINISTRATION  
CAMA/2010/USA MEDICAL SECRETARIAT

## RESOLUTION

UPON A COMMUNICATION FROM THE COMMISSIONER OF HEALTH, be it hereby

**RESOLVED,** that the County of Westchester, acting by and through its Department of Health ("WCDH"), is authorized to enter into a contract amendment with the New York State Department of Health, to accept additional funding, pursuant to an approved budget, for the Pre Exposure Prophylaxis Initiative Grant, as follows:

<u>Amended Resolution</u>	<u>Amended Contract</u>
Term: 10/1/14 – 3/31/19	Term: unchanged
Amount: Not-to-Exceed \$220,000	Amount: \$748,000;

and, be it further

**RESOLVED,** that the agreement requires the County of Westchester to indemnify the New York State Department of Health as follows:

"That the Contractor shall be solely responsible and answerable in damages for any and all accidents and/or injuries to persons (including death) or property arising out of or related to the services to be rendered by the Contractor or its subcontractors pursuant to this Master Contract. The Contractor shall indemnify and hold harmless the State and its officers and employees from claims, suits, actions, damages and cost of every nature arising out of the provision of services pursuant to the Master Contract"; and, be it further

**RESOLVED,** that all other terms and conditions of the original contract shall remain unchanged; and, be it further

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

Department of Health  
County of Westchester  
10 County Center Road, 2<sup>nd</sup> Floor  
White Plains, New York 10607  
March 15, 2016

Original Agreement      \$ 44,000  
 First Amendment        \$176,000  
**This Amendment**       **\$528,000**  
 TOTAL                      \$748,000

Agreement #

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub-Object	Trust Account	Dollars
		263	27	546R	9854	T546
	263	27	546S	9854	T546	\$176,000
	263	27	546T	9854	T546	\$176,000

Budget Funding Year(s) (must match resolution) 2016 -2019 Start Date 4/1/16 End Date 3/31/19

Funding Source                      Tax Dollars \_\_\_\_\_  
     State Aid NYSDOH  
**\$528,000**                                      Federal Aid \_\_\_\_\_  
 (must match resolution)              Other \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/15/2016 - LISA MARIJAJ, SECRETARY