

63515

May 30, 2018

To: Honorable Board of Acquisition and Contract

From: Joseph K. Spano  
Commissioner of Correction

Re: Authority for the County of Westchester to amend an agreement with New York Correct Care Solutions Medical Services, P.C. for the provision of comprehensive medical, mental health, dental and ancillary services to inmates and detainees in the custody of the Westchester County Department of Correction for a term July 26, 2015 through July 25, 2018, in order to 1) exercise a renewal option for the period from July 26, 2018 through July 25, 2019; 2) increase the aggregate not to exceed amount over the contract term by \$13,590,840, subject to budget appropriation; and 3) reduce the average daily inmate population threshold for triggering a negotiation of a pricing adjustment, from increases of more than 10% above 1,300 inmates to increases of more than 10% above 1,050 inmates.

---

Your Honorable Board approved a Resolution on March 26, 2015 (the "March 26<sup>th</sup> Resolution"), authorizing the County of Westchester (the "County") to enter into an agreement with New York Correct Care Solutions Medical Services, P.C. ("NYCCS") for the provision of comprehensive medical, dental and mental health services for adult and minor male and female pre-trial inmates and sentenced prisoners confined at the Westchester County Department of Correction's (the "Department") facilities located in Valhalla, New York, for an initial term commencing on July 26, 2015 and terminating July 25, 2018, for a total amount not to exceed \$43,772,520.00, payable in an amount not-to-exceed \$14,590,840 annually and pursuant to an approved budget, with the County having the sole option to renew the agreement for three (3) additional one (1) year renewal periods, under the same terms and conditions and payable at the same rates, as the initial term (the "Agreement"). The Agreement was subsequently executed.

The County now seeks to exercise its first renewal option under the Agreement. However, because the average daily inmate population has markedly decreased from 1300 to 1050 since 2015, the parties have agreed that the total contract amount during the first renewal term should be reduced by \$1 million dollars, from the current annual contract amount of \$14,590,840 to \$13,590,840. Accordingly, authority is now requested for the County to amend the Agreement with NYCCS in order to exercise the first of its three (3) renewal options thereunder for the

period from July 26, 2018 through July 25, 2019, and to increase the aggregate not to exceed amount over the contract term by \$13,590,840, to an amended aggregate total of \$57,363,360, subject to budget appropriations.

The parties desire to further amend the Agreement to reduce the average daily inmate population threshold for triggering a negotiation of a pricing adjustment during the option term, from increases of more than 10% above 1,300 inmates to increases of more than 10% above 1,050 inmates. As currently written, the Agreement provides that “if the average daily population at the Department’s facilities, determined on a quarterly basis, increases by more than ten percent (10%) above One Thousand Three Hundred (1,300) inmates, the parties shall negotiate in good faith for an adjustment to that pricing, subject to any necessary County approvals, including but not limited to the County’s Board of Acquisition and Contract.” As noted above, due to the fact that the Department’s average daily inmate population is comparatively less than what it was three years ago, the parties have mutually agreed to amend this provision during the renewal term to reduce the average daily inmate population threshold for triggering a negotiation for a price adjustment from 10% above 1,300 inmates to 10% above only 1,050 inmates.

Except as specifically amended hereby, all remaining terms and conditions of the Agreement will remain unchanged.

The goal of this Agreement is to provide effective inmate health care. The performance by NYCCS will be monitored by Department of Correction staff utilizing regular reports. Although this Agreement is exempt from the Westchester County Procurement Policy pursuant to section 3(a)(viii) thereof, the County issued a Request for Proposals for the provision of these services, the details of which are set forth in the March 26<sup>th</sup> Resolution.

Accordingly, I recommend approval of the annexed Resolution.

JKS/SG/jpg  
Attachment

**RESOLUTION**

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

**RESOLVED**, that the County of Westchester is authorized to amend an agreement with New York Correct Care Solutions Medical Services, P.C. (“NYCCS”) for the provision of comprehensive medical, dental and mental health services for adult and minor male and female pre-trial inmates and sentenced prisoners confined at the Westchester County Department of Correction’s (the “Department”) facilities located in Valhalla, New York for a term of July 26, 2015 through July 25, 2018, in order to 1) exercise a renewal option for the period from July 26, 2018 through July 25, 2019; 2) increase the aggregate not to exceed amount over the contract term by \$13,590,840, to an amended aggregate total of \$57,363,360, subject to budget appropriation; and 3) reduce the average daily inmate population threshold for triggering a negotiation of a pricing adjustment during the renewal term, from increases of more than 10% above 1,300 inmates to increases of more than 10% above only 1,050 inmates; and be it further

**RESOLVED**, that except as specifically amended hereby, all other terms and conditions of the agreement shall remain unchanged; and be it further

**RESOLVED**, that the County Executive or his duly authorized designee is hereby authorized to execute any documents and take any actions reasonably necessary and appropriate to effectuate the purposes of this Resolution.

Account to be Charged/credited	Fund	Agency	Capital Project Or Org	Object/ Sub Object	Trust Account	Activity	Dollars
2018	101	35	1000	4380			\$5,542,427
2019	101	35	1000	4380			\$8,048,413

Budget Funding Year(s) 2018-2019 Start Date 7/26/2018 End Date 7/25/2019  
 (must match resolution)

\$13,590,840

Funding Source Tax Dollars \$13,590,840  
 State Aid \_\_\_\_\_  
 Federal Aid \_\_\_\_\_  
 Other \_\_\_\_\_