

66875

TO: Board of Acquisition and Contract

FROM: Kunjlata Ashar, M.D.
Medical Examiner/ Pathologist
Department of Labs & Research

DATE: December 21, 2018

RE: Resolution authorizing the County of Westchester (the "County"), by and through its Department of Laboratories and Research, to enter into an agreement with the County of Rockland ("Rockland") pursuant to which the County will provide tuberculosis and infectious disease testing services for the County of Rockland for a term commencing January 1, 2019 and terminating December 31, 2019 in an amount of \$10,000 pursuant to a set fee schedule

The attached resolution, if approved by your Honorable Board, would authorize the County, acting by and through its Department of Laboratories and Research (the "Department") to enter into an agreement with Rockland to provide tuberculosis and infectious disease testing services for a term commencing January 1, 2019 and terminating December 31, 2019 in an amount of Ten Thousand (\$10,000) Dollars ("Agreement") to be paid pursuant to the County's set fee schedule for these services.

Rockland does not have the capability to perform tuberculosis and infectious disease testing and has requested that the County perform this testing on Rockland's behalf for the protection of the public. The County will perform this testing for a term commencing on January 1, 2019 and continuing through December 31, 2019 and shall be paid by Rockland pursuant to the County's set fee schedule for these testing services up to Ten Thousand (\$10,000) Dollars.

It should be noted that this Agreement would normally fall within the County's Short Form Authority Approval. However, because the Agreement contains an indemnity provision pursuant to the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), the approval of your Honorable Board is required. Pursuant to HIPAA, the County will agree to "defend, indemnify and hold Covered Entity ('Rockland') harmless against all actions, claims, losses, liability, costs and other expenses including reasonable attorneys' fees, without limitation, resulting from or arising out of the acts or omissions of Business Associate ('County') in the performance of its duties and obligations under the Agreement".

The goals and objectives of this Agreement are to protect the public at large by providing testing for tuberculosis and other infectious diseases.

The Agreement shall serve a public purpose by preventing the spread of illness between the County and Rockland by providing testing and diagnosis and therefore treatment for tuberculosis and other infectious diseases.

The action requested herein is not a procurement and therefore the County Procurement Policy does not apply.

Since the County is able to perform these testing services that Rockland cannot provide, and in order to protect the health and welfare of the public at large, I most respectfully request that your Honorable Board approve the attached proposed Resolution.

KA/PS/jpg
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 01/10/2019 - LISA MARIJAJ, SECRETARY

RESOLUTION

Upon a communication from the Medical Examiner/Pathologist, be it hereby

RESOLVED, that the County of Westchester (the "County"), acting by and through its Department of Laboratories and Research (the "Department"), is authorized to enter into an agreement with the County of Rockland ("Rockland") pursuant to which the County shall provide tuberculosis and other infectious disease testing for Rockland for a term commencing January 1, 2019 and continuing through December 31, 2019 in the amount of Ten Thousand (\$10,000) Dollars to be paid to the County pursuant to a set fee schedule ("Agreement"); and be it further

RESOLVED, that the Agreement contains a provision pursuant to the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") wherein the County will agree to "defend, indemnify and hold Covered Entity ('Rockland') harmless against all actions, claims, losses, liability, costs and other expenses including reasonable attorneys' fees, without limitation, resulting from or arising out of the acts or omissions of Business Associate ('County') in the performance of its duties and obligations under the Agreement"; and be it further

RESOLVED, that the County Executive or his authorized designee is hereby authorized and empowered to execute any and all documents 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	31	0010-4200	9067		\$ 10,000

Budget Funding Year(s) 2019 Start Date 1/1/2019 End Date 12/31/2019
(must match resolution)

Funding Source Tax Dollars _____
State Aid _____
\$10,000 Federal Aid _____
(must match resolution) Other \$10,000 _____