

Memorandum
Department of Human Resources

ONBASE # 76732

To: The Honorable Board of Acquisition and Contract

From: Mary Mahon
Commissioner of Human Resources

Date: May 13, 2020

Re: **Resolution authorizing the County of Westchester to amend an agreement with Partners In Safety, Inc., for the provision of drug, alcohol and medical testing program, safety training and compliance services, for the period from August 1, 2015 through July 31, 2020, in order to provide mask fitting tests and other ancillary services to personnel working at nursing homes located throughout Westchester County, at the rates set forth in the Agreement provided, however, that the per day rate for the On-site Charge for the additional services shall be \$475.00 per day, noting that the On-site Charge will remain at \$175.00 per day for all other services requested, with all other terms and conditions remaining unchanged.**

On June 11, 2015, your Honorable Board authorized the County of Westchester ("County"), acting by and through its Department of Human Resources ("Department"), to enter into an agreement ("Agreement") with Partners In Safety, Inc. ("Partners in Safety") for the provision of drug, alcohol and medical testing program safety training and compliance services to County employees and taxi and limousine drivers, for the period from August 1, 2015 through July 31, 2020, in an amount not to exceed \$1,095,290 and to approve Quest Diagnostics Clinical Labs, Inc., Laboratory Corporation of America, Inc. and MEDTOX Scientific, Inc., as subcontractors. The Agreement was subsequently executed.

Authority is now requested from your Honorable Board to amend the Agreement ("First Amendment") in order to provide mask fitting tests and other ancillary services to personnel working at nursing homes located throughout Westchester County, in an attempt to minimize the incidence of infections in the fragile senior population residing at said nursing homes and the nursing homes' personnel, related to the Coronavirus (COVID-19). Pursuant to the First Amendment, Partners in Safety will have between 3-5 employees or

staff to perform Bitrex Fit tests and administer OSHA respiratory questionnaires to nursing homes' personnel on certain dates (including weekends) and times determined by the County in its sole discretion ("Nursing Personnel Services"). In consideration for the Nursing Personnel Services, the County will pay Partners In Safety at the rates set forth in the Agreement, provided, however, that the per day rate for the On-site Charge for the Nursing Personnel Services shall be \$475.00 per day, noting that the On-site Charge will remain at \$175.00 per day for all other services requested under the Agreement.

The proposed First Amendment serves a public interest by helping to stop or reduce the spread of COVID-19 and helping to better protect the health and well-being of fragile seniors residing at nursing homes located throughout Westchester County and their personnel and the public at large.

The goals and objectives of the proposed First Amendment are in the best interests of the County in terms of health and safety as providing mask fitting test services to nursing homes' employees and staff will ensure that such persons will be able to protect themselves and the fragile seniors residing at said nursing homes from COVID-19.

The goal and objective of the proposed First Amendment will be tracked and monitored by the staff of the Department.

Section 13 of the Westchester County Procurement Policy specifies that each procurement that is funded, in whole or in part, by federal funds shall be made in accordance with any and all applicable federal laws, regulations, rules, guidance, instructions, or grant terms. To the extent that it is applicable, the procurement that is the subject of the First Amendment complies with 2 C.F.R. 200.320(f)(2), which allows for non-competitive procurement when "[t]he public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation", based on the emergency that currently exists with regard to COVID-19 and the related urgent need for proper mask fitting tests for personnel working at nursing homes taking care of the fragile seniors.

Except as specifically amended hereby, all other terms and conditions of the Agreement shall remain in full force and effect.

Accordingly, your favorable action on the annexed Resolution is most respectfully urged and recommended.

MM/CMC

RESOLUTION

Upon a communication from the Commissioner of Human Resources, be it hereby

RESOLVED, that the County of Westchester (the "County") is hereby authorized to amend the agreement with Partners in Safety, Inc. ("Partners In Safety"), for the provision of drug, alcohol and medical testing program, safety training and compliance services, for a period from August 1, 2015 through July 31, 2020, in order to provide Bitrex Fit tests and OSHA respiratory questionnaires to nursing homes' personnel on certain dates (including weekends) and times determined by the County in its sole discretion ("Nursing Personnel Services"), at the rates set forth in the Agreement provided, however, that the per day rate for the On-site Charge for the Nursing Personnel Services shall be \$475.00 per day, noting that the On-site Charge will remain at \$175.00 per day for all other services requested under the Agreement; and be it further

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

RESOLVED, that the County Executive or his authorized designee is hereby authorized to execute all instruments and take all actions reasonably necessary to implement this Resolution.

| Fund | Dept | Unit | Object/ Sub Object | Trust Account | Activity | Dollars |
|------|------|------|--------------------------|------------------|----------|---------|
| 101 | 12 | 6010 | 4998 | | | |
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Budget Funding Year(s): 2020 Start Date: 08/01/15 End Date: 07/31/2020
(must match resolution)

Funding Source Tax Dollars:
State Aid:
\$ _____ Federal Aid: 100%
(must match resolution) Other: