



Memorandum
Department of Health
10 County Center Road – 2nd Floor
White Plains, N.Y. 10607

87299

DATE: August 31, 2021

TO: Board of Acquisition and Contract

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

RE: Authorization to amend an agreement with The Execu Search Group, LLC to provide Registered Nurses and Nurse Practitioners to be vaccinators for community flu clinics, to collect COVID test samples and test them, to serve as COVID case investigators, and to possibly administer COVID vaccines, for a term commencing upon execution and continuing for a period of one (1) year thereafter, in an amount not-to-exceed \$600,000, payable at rates not-to-exceed those specified in The Execu Search's New York State Office of General Service's ("NYSOGS") Contract # PS67885, to increase the scope of work to perform COVID-19 screening testing services in public and private schools for students, teachers and staff in grades kindergarten through grades 12 as part of the County's ELC Program and extend the term of the agreement to December 31, 2021 with the County having the option, in its sole discretion, to renew the agreement for an additional 7 month from January 1, 2022 to July 31, 2022.

By a resolution approved by your Honorable Board on November 19, 2020, the County of Westchester (the "County") entered into an agreement with The Execu Search Group, LLC ("Contractor"), dated December 4, 2020, pursuant to which the Contractor agreed to provide the County's Department of Health ("WCDH") with Registered Nurses and Nurse Practitioners to be vaccinators for community flu clinics, to collect COVID test samples and test them, to serve as COVID case investigators, and to possibly administer COVID vaccines (the "Services"), for a term commencing upon execution and continuing for a period of one (1) year thereafter, in an amount not-to-exceed \$150,000, payable at rates not-to-exceed those specified in the Contractor's New York State Office of General Service's ("NYSOGS") Contract # PS67885 (the "Initial Agreement").

By a resolution approved by your Honorable Board on April 8, 2021, the County and the Contractor entered into an amendment to the Initial Agreement, dated April 13, 2021, to increase the not-to-exceed amount by 450,000 for a new total not-to-exceed amount of \$600,000 for the provision of additional services, payable at rates not-to-exceed those specified in the Contractor's New York State Office of General Service's ("NYSOGS") Contract # PS67885 (the "First Amendment").

The Initial Agreement and the First Amendment are collectively referred herein to as the "Agreement".

Pursuant to a resolution approved by your Honorable Board on July 1, 2021, the County entered into an agreement with the Health Research, Inc., dated August 2, 2021 pursuant to which the County was awarded a grant to fund the ELC Reopening Schools: Support for Screening Testing to Reopen & Keep Schools Operating Safely Grant program for the period from July 1, 2021 through July 31, 2022 in the amount not-to exceed \$15,800,820 (the "ELC Program").

Authorization is now sought to amend the Agreement to increase the scope of work to provide County Patient Services Representatives, Medical and Clinical Laboratory Technicians, Licensed Practical Nurses ("LPN") and Emergency Medical Technicians ("EMT") to perform COVID-19 screening testing services for students, teachers and staff in public and private schools in grades kindergarten through grades 12 (K-12) as part of the ELC Program to be paid at the rates not-to-exceed those specified in the Contractor's New York State Office of General Service's ("NYSOGS") Contract # PS67885, for a term commencing retroactively on September 1, 2021 and terminating on December 31, 2021 (the "Initial ELC Program Term") unless sooner terminated, with the County, in its sole discretion, having the option to renew the Agreement, as amended, from January 1, 2022 to July 31, 2022 on the same terms, conditions and price as the Initial ELC Program Term, subject to the availability of funds, acceptable past performance, the County's determination that an extension is in its best interest, and subject to the prior approval of the Westchester County Board of Acquisition & Contract (the "Second Amendment")

This Second Amendment will promote the public health, safety and general welfare of County residents by ensuring a safe environment for students, teachers and staff as they re-enter the classroom when schools re-open.

The goal and objective is to minimize the spread of COVID-19 in schools and maximize in-person learning days, which is important for the health, development and well-being of children. Screening testing is an important part of a multi-layered approach to keep schools open and operating safely as it allows for the early detection and isolation of pre-symptomatic and asymptomatic individuals, therefore minimizing the spread of COVID-19.

The goals and objectives will be tracked and monitored by WCDH by requiring the following from the Contractor:

- Daily sign-in and sign-out sheets for each team (template to be provided) to be submitted within 24 hours of event
- Daily summary report from each team (template to be provided) to be submitted within 24 hours of event

Except as expressly amended herein, all other terms and conditions of the Agreement will remain unchanged.

The Second Amendment is exempt from the Westchester County Procurement Policy (the "Policy") pursuant to Section 3(a) viii thereof, which exempts contracts for medical and health related services.

In addition, 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. The procurement that is the subject of the proposed Second 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 publicizing a competitive solicitation." In the instant case, a public exigency and emergency exists for the proposed Second Amendment because the ELC Program must be implemented before schools open for in person instruction in the Fall, which cannot be delayed by having to publicize and issue a formal RFP.

Accordingly, the attached resolution is submitted for your consideration.

SA/RAN
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 09/02/2021 - RAYMOND J. QUINCY, SECRETARY

RESOLUTION

Upon a communication from the Commissioner of the Department of Health, be it hereby

RESOLVED, that the County of Westchester (the “County”), acting by and through its Department of Health, is authorized to amend the agreement with The Execu Search Group, LLC (“Contractor”), dated December 4, 2020, as amended by the first amendment to the agreement, dated April 13, 2020, (collectively, the “Agreement”), pursuant to which the Contractor agreed to provide the County with Registered Nurses and Nurse Practitioners to be vaccinators for community flu clinics, to collect COVID test samples and test them, to serve as COVID case investigators, and to possibly administer COVID vaccines, for a term commencing upon execution and continuing for a period of one (1) year thereafter for a not-to-exceed amount of \$600,000, to provide Patient Services Representatives, Medical and Clinical Laboratory Technicians, Licensed Practical Nurses (“LPN”) and Emergency Medical Technicians to perform COVID-19 screening testing services for students, teachers and staff in public and private schools in grades kindergarten through grades (K-12) as part of the ELC Program, to be paid at the rates not-to-exceed those specified in the Contractor’s New York State Office of General Service’s (“NYSOGS”) Contract # PS67885, for a term commencing retroactively on September 1, 2021 and terminating on December 31, 2021 (the “Initial ELC Program Term”) unless sooner terminated, with the County, in its sole discretion, having the option to renew the Agreement, as amended, for a term from January 1, 2022 to July 31, 2022 on the same terms, conditions and price as the Initial ELC Program Term, subject to the availability of funds, acceptable past performance, the County’s determination that an extension is in its best interest, and subject to the prior approval of the Westchester County Board of Acquisition & Contract (the “Second Amendment”); and be it further

RESOLVED, that in consideration for providing the Patient Services Representatives, Medical and Clinical Laboratory Technicians, Licensed Practical Nurses and Emergency Medical Technicians, the County will pay the Contractor at the rates not-to-exceed those specified in Contractor’s NYSOGS Contract # PS67885; and, be it further

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

RESOLVED, that the Second Amendment is subject to County Appropriations; and be it further

RESOLVED, that the Second Amendment 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 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.

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
N/A					

Budget Funding Year(s) _____ Start Date _____ End Date _____
 (must match resolution)
 Funding Source Tax Dollars _____
 State Aid _____
 \$ _____ Federal Aid _____
 (must match resolution) Other _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 09/02/2021 RAYMOND SULLIVAN, SECRETARY