

**#92924**

Date: March 9, 2022

To: Board of Acquisition and Contract

From: Aleksandar Milovanovic, M.D.  
Pathologist / Deputy Medical Examiner  
Department of Labs & Research

Re: Authority to amend an Agreement with the State of New York, acting by and through the New York State Department of Health, to accept a grant in an amount not-to-exceed \$191,625 for the Department of Laboratories and Research to participate in a Free Water Testing Pilot Program for the period from 06/01/17-03/31/22, by extending the term thereof for one additional year, through 3/31/23.

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By resolution approved on June 1, 2017, your Honorable Board authorized the County of Westchester, acting by and through the Department of Laboratories & Research (the "Department"), to enter into an agreement with the State of New York, acting by and through the New York State Department of Health ("NYSDOH"), to accept a grant in an amount not-to-exceed \$191,660 (the "Grant") for the Department to participate in a Free Water Testing Pilot Program (the "Program") for the period from 06/01/17 through 03/31/18 (the "Agreement" or "Grant Agreement"). Pursuant to the terms of the Agreement, NYSDOH agreed to reimburse the Department \$15 to ship each pair of 250 ml sample containers, sampling instructions and return shipping labels; and \$55 for return shipping costs, analysis and results for a set of samples, up to an amount not-to-exceed \$191,660. The Agreement was subsequently executed

By resolution approved on May 31, 2018, your Honorable Board authorized an amendment to the Agreement ("First Amendment") for the limited purpose of extending the term thereof for an additional year, from April 1, 2018 through March 31, 2019. The First Amendment was subsequently executed.

By resolution approved on July 25, 2019, your Honorable Board authorized a second amendment to the Agreement ("Second Amendment") for the limited purpose of extending the term thereof for an additional two years, from April 1, 2019 through March 31, 2021. The Second Amendment was subsequently executed.

Inadvertently, the Department entered into a third amendment to the Agreement (“Third Amendment”) for the limited purpose of extending the term thereof for an additional one year, from April 1, 2021 through March 31, 2022, without seeking your Honorable Board’s approval.

Due to the continued success of the Program and the fact that there remains sufficient funding under the Grant, the parties now desire to further amend the Agreement for the limited purpose of further extending the term thereof for one additional year, from April 1, 2022 through March 31, 2023. Accordingly, authority is requested for the County to enter into another amendment to the Agreement (“Fourth Amendment”) with NYSDOH to accept a grant for the Department to participate in the Program, by extending the term of the Agreement, as amended, for the period from 06/07/17 through 03/31/22, for one additional year, from April 1, 2022 through March 31, 2023. Pursuant to the terms of the Fourth Amendment, NYSDOH agreed to reimburse the Department \$15 to ship each pair of 250 ml sample containers, sampling instructions and return shipping labels; and \$60 for return shipping costs, analysis and results for a set of samples, up to an amount not-to-exceed \$191,625.

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

The proposed Grant Agreement, as amended, will serve a public purpose by ensuring that drinking water in the County is free from lead and safe to drink.

The goals and objectives of this Program are to test the drinking water in individual homes to determine whether there are high levels of lead in the water.

The goals and objectives are in the best interests of the County in terms of public health and safety because determining whether a particular household’s drinking water contains high lead levels will enable the County to take remedial action.

The goals and objectives will be tracked and monitored by the Department.

As this Grant Agreement does not constitute a procurement of goods or services, the provisions of the Westchester County Procurement Policy are not applicable.

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 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.

An appropriate resolution is herewith attached for your Honorable Board’s consideration.

AM/cmc

Attachment

## RESOLUTION

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

**RESOLVED**, that the County of Westchester, acting by and through the Department of Laboratories & Research (the "Department"), is authorized to amend an agreement with the State of New York, acting by and through the New York State Department of Health (the "Agreement"), as amended, to accept a grant in an amount not-to-exceed \$191,625 for the Department to participate in a Free Water Testing Pilot Program for the period 06/01/17-03/31/22, by extending the term thereof for one additional year, from 4/01/22 - 3/31/23; and be it further

**RESOLVED**, that except as specifically amended hereby, all remaining terms and conditions of the Agreement shall remain in full force and effect upon the parties.

**RESOLVED**, that the County Executive or his duly authorized designee is hereby authorized to take such action and execute such documents as may be necessary and proper to effect the purposes hereof.

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) Current Start Date 04/01/2022 End Date 03/31/23  
(must match resolution)

Funding Source Tax Dollars \_\_\_\_\_  
State Aid \_\_\_\_\_  
\$ \_\_\_\_\_ Federal Aid \_\_\_\_\_  
(must match resolution) Other \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACTS 05/26/2022 PAYMENT SCULKY SECRETARY