

93982

DATE: June 10, 2022

TO: Board of Acquisition and Contract

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

RE: Authorization to enter into a Contract Amendment with the New York State Department of Health for the Special Supplemental Nutrition Program for Women, Infants & Children Grant in order to extend the contract period and increase the not-to-exceed amount, pursuant to an approved budget, and to defend and indemnify the New York State Department of Health, as follows and described below:

Amended Contract

Multi-Year Term: 10/01/15 - 09/30/22
Total Amount Not-To-Exceed: \$18,990,291

2nd Amended Contract

Multi-Year Term: 10/01/15 - 09/30/23
Total Amount Not-To-Exceed: **\$21,685,001**

On July 29, 2015, your Honorable Board approved a Resolution (the "July 29, 2015 Resolution") which authorized the County of Westchester ("County"), acting by and through its Department of Health ("WCDH"), to enter into a contract with the New York State Department of Health ("NYSDOH") to accept continued funding for the Special Supplemental Nutrition Program for Women, Infants & Children ("SSNP WIC") Grant, for the period from 10/01/15 through 09/30/20, in the amount not-to-exceed \$13,706,545, pursuant to an approved budget. The original multi-year agreement has been executed.

On October 8, 2020 your Honorable Board approved a Resolution (the "October 8, 2020 Resolution") which authorized the County, acting by and through its WCDH, to enter into an amendment to the agreement with the NYSDOH for the SSNP WIC Grant in order to extend the period from 10/01/2015 through 9/30/22 and increase the total amount not-to-exceed by \$5,283,746, pursuant to an approved budget, for the revised total amount not-to-exceed \$18,990,291. This amendment has been executed.

Previously, the NYSDOH released a Request for Applications ("RFA") for a SSNP WIC new Grant period. The NYSDOH encountered difficulties during the process and therefore will be re-issuing the RFA for WIC local agencies to which the County will apply.

The NYSDOH has sent recent notification that the period of the original multi-year agreement as amended will be extended further through 9/30/23 and additional funding in the amount not-to-exceed \$2,694,710 will be added to the original agreement amount in order to provide time for the NYSDOH to review RFAs to be submitted.

Therefore, the WCDH now seeks authorization to further amend with the agreement with NYSDOH for the SSNP WIC Grant in order to extend the period from 10/01/2022 through 9/30/23 and increase the total amount not-to-exceed by **\$2,694,710**, pursuant to an approved budget, for the revised total amount not-to-exceed \$21,685,001.

The amendment will also require the County to indemnify the New York State Department of Health as follows:

“The Contractor shall be solely responsible and answerable in damages for any and all accidents and/or injuries to persons (including death) or property arising out of or related to the services to be rendered by the Contractor or its subcontractors pursuant to this Master Contract. The Contractor shall indemnify and hold harmless the State and its officers and employees from claims, suits, actions, damages and cost of every nature arising out of the provision of services pursuant to the Master Contract.”

The public purpose of SSNP WIC Program is to promote the public health and general welfare of County residents by ensuring that low-income women, infants and children at nutrition risk have access to nutritious foods and other services to support proper growth and development.

The goal of the SSNP WIC Program is to improve the nutrition and health status of eligible pregnant, postpartum and breastfeeding women, infants and children up to the age of five through services that include the provision of nutritious foods, nutrition/health education and counseling, breastfeeding promotion and support, and referral to other health and human service programs.

These efforts serve to safeguard the health of women, infants and children at high risk that would otherwise have no or limited access to nutritious food and health education, thus improving birth outcomes and child development.

The Program is monitored and managed on an ongoing basis through a number of program reports in accordance with the NYS WIC Program including monthly caseload and certification productivity reports. The NYSDOH assigned caseload target for 2022 is 8,100 participants.

All other terms and conditions of the original agreement as amended shall remain unchanged.

Your approval of the attached resolution is respectfully requested.

/mv
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT ADMINISTRATION
07/2022
RAYMOND SCULKA, SECRETARY

RESOLUTION

UPON A COMMUNICATION FROM THE COMMISSIONER OF HEALTH, be it hereby

RESOLVED, that the County of Westchester is authorized to enter into a contract amendment with the New York State Department of Health for the Special Supplemental Nutrition Program for Women, Infants & Children (SSNP WIC) Grant in order to extend the term of the agreement and increase the amount not to exceed thereunder by \$2,694,710, pursuant to an approved budget, as follows:

Amended Contract

Multi-Year Term: 10/01/15 - 09/30/22
Total Amt Not-To-Exceed: \$18,990,291

2nd Amended Contract

Multi-Year Term: 10/01/15 - 09/30/23
Total Amt Not-To-Exceed: **\$21,685,001;**

and, be it further

RESOLVED, that the contract amendment will also require the County of Westchester to indemnify the New York State Department of Health as follows:

“That the Contractor shall be solely responsible and answerable in damages for any and all accidents and/or injuries to persons (including death) or property arising out of or related to the services to be rendered by the Contractor or its subcontractors pursuant to this Master Contract. The Contractor shall indemnify and hold harmless the State and its officers and employees from claims, suits, actions, damages and cost of every nature arising out of the provision of services pursuant to the Master Contract”; and, be it further

RESOLVED, that all other terms and conditions of the original agreement as amended shall remain unchanged; 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.

Department of Health
County of Westchester
10 County Center Road, 2nd Floor
White Plains, New York 10607

Original Agreement	\$13,706,545
First Amendment	\$ 5,283,746
This Amendment	\$ 2,694,710
TOTAL	\$21,685,001

Account to be Charged/Credited					
	Dept.	Major Program, Program & Phase or Unit	Object/ Sub-Object	Trust Account	Dollars
263	27	484X	9853	T484	\$2,258,167
263	27	484X	9854	T484	\$ 436,543

Budget Funding Year(s) (must match resolution) 2022 -2023 Start Date 10/01/2022 End Date 09/30/2023

Funding Source	Tax Dollars	
	State Aid	<u>NYSDOH - \$436,543</u>
\$2,694,710	Federal Aid	<u>Pass Thru NYSDOH - \$2,258,167</u>
(must match resolution)	Other	<u></u>

APPROVED BOARD OF ACQUISITION & CONTRACT - 07/07/2022 - RAYMOND SCULLY, SECRETARY