

95434

DATE: August 16, 2022

TO: Board of Acquisition and Contract

FROM: Sherlita Amler, MD
Commissioner of Health

RE: Authority to amend an agreement with Robert Rothman, d/b/a Empirepro, pursuant to which Robert Rothman will provide professional services for the Westchester County Department of Health's pharmacy operations that serve its District Office Sexually Transmitted Disease, Tuberculosis and Adult & Child Immunization Clinics, and for professional services in support of the COVID-19 vaccination program occurring at the WCDH District Office and at any other community "pop-up" COVID-19 vaccination clinics that are being held throughout the County, for the period from January 1, 2022 through December 31, 2022, for a total amount not-to-exceed \$235,000, payable at the hourly reimbursement rates as stated in Schedule "A", in order to increase the amount not-to-exceed by \$140,000 for additional services to support increased patient visits and Monkey Pox vaccine clinics payable at the same rates

By a Resolution approved on December 2, 2021 (the "December 2nd Resolution"), your Honorable Board authorized the County of Westchester (the "County"), acting by and through its Department of Health ("WCDH"), to enter into an agreement with Robert Rothman, d/b/a Empirepro ("Robert Rothman"), to provide professional services for the WCDH's pharmacy operations that serve its District Office Sexually Transmitted Disease ("STD") and Tuberculosis ("TB") clinic programs, and for professional services in support of the COVID-19 vaccination program occurring at the WCDH District Office and at any other community "pop-up" COVID-19 vaccination clinics that are being held throughout the County, for the period from January 1, 2022 through December 31, 2022, in the not-to-exceed amount of \$235,000, to be paid at the reimbursement rates as specified in Schedule "A" (the "Agreement"). This Agreement has been executed.

Since the outbreak of Monkey Pox, the WCDH pharmacy has started supporting two clinics / week devoted to Monkey pox vaccinations held at the 134 Court Street Clinic. These clinic sessions are held for a full day each Monday and for roughly ½ day every Wednesday. In addition, the WCDH is supporting a remote clinic devoted to Monkey pox vaccinations in the community which requires a pharmacist to be on site all day to support the administration and tracking of the vaccines at these sessions which were started during the month of July and we anticipate that they will continue to be required through September.

In addition, the WCDH has been designated by NY State as a distribution hub for the Monkey Pox vaccine initiative. Under this plan, the WCDH has been charged with the responsibility of receiving shipments of the vaccine for providers across the county and in Rockland. The WCDH distributes the allocations to Westchester Medical Center, Valhalla, The Open Door Neighborhood Health Center Clinics, The Hope Center at St John's Hospital in Yonkers, the Mt Vernon Neighborhood Health Center, White Plains Hospital, The Sun River Medical Group and the Care Mount Medical Group. The pharmacists are responsible for tracking the number of doses of Monkey Pox vaccine which are issued to each of these providers and providing the NY State DOH with estimates of utilization each week.

In addition, Robert Rothman continues to provide the additional Services necessary to support the COVID-19 vaccination clinics held at the WCDH Clinic Facility located at 134 Court Street, White Plains, NY, and at any other community "pop-up" COVID-19 vaccination clinics that are being held throughout the County. Robert Rothman and his staff have continued to demonstrate their ability to provide these additional Services supporting the COVID -19 vaccination program since the program has commenced plus the normal clinic work which as increased due to more patients seeking clinic services at childhood immunization clinics each Friday morning, remote clinic sessions as requested by school districts and the routine STD, TB and HIV prevention services held Tuesdays, Wednesdays and Thursdays at 134 Court Street.

Robert Rothman and his professional staff are well positioned to support the Monkey Pox vaccine initiative and have done so. Therefore, the WCDH is now requesting authorization to amend the existing Agreement in order to increase the amount not-to-exceed thereunder by \$140,000, for a total revised amount not-to-exceed of \$375,000 for the provision of additional Services, to be paid at the reimbursement rates as specified in Schedule "A" which will only be utilized to the extent needed.

This proposed amendment will promote the public health and general welfare of County residents by providing the required supervision of WCDH's pharmacy operations in order to ensure compliance with state regulations regarding the repackaging and correct dispensing of patient-specific medications. In lieu of having personnel to perform these services, Robert Rothman will provide these services to the WCDH on an as-needed basis. The goal is to ensure that WCDH clinic patients who are being treated and monitored for critical communicable diseases, such as STDs and TB, receive their prescriptions in accordance with proper clinical and treatment regimens, in addition to providing the required additional supervision to ensure that the vaccination program is operating in strict adherence with the Updated Guidance for the New York State COVID 19 Vaccination Program and the Monkey Pox vaccination program.

The goal and objective includes, but is not limited to, careful and accurate inventory of COVID-19 vaccines and Monkey Pox vaccines, constituent products or ancillary supplies the WCDH has received, compliance with vaccine manufacturer instructions on cold chain management and CDC guidance in vaccine storage and handling to ensure vaccine shelf life.

The standard Clinics will be tracked and monitored by WCDH's clinician monthly reviews of medications dispensed and accuracy for orders by requesting clinics, ongoing assessment of other contracted pharmacy operations and data collection through the electronic medical record system. In addition, pharmacy operations staff and clinicians will meet semi-annually to review and update the medication formulary and dispensing protocols.

The COVID-19 and Monkey Pox vaccination programs will be tracked and monitored by Robert Rothman, as lead Pharmacist, to ensure the tracking of all vaccine doses received and administered by the WCDH vaccine team at all dispensing locations, maintaining and archiving logs of patients receiving vaccines administered under the supervision of WCDH, and supervising all other professional pharmacy staff and maintaining work schedules for same who will be assigned to provide onsite support at all vaccine sites.

It should be noted that the proposed Agreement is being partially funded with funds provided to the County under the American Rescue Plan Act (ARPA) Sec. 603, Coronavirus Local Fiscal Recovery Fund (the "Fund"). It is believed that, similar to the handling of the Coronavirus Relief Fund, monies provided under the Fund are not subject to the Federal procurement rules as provided under 2 CFR Part 200.317 through Part 200.326. Therefore, pursuant to Section 13(d) of the Westchester County Procurement Policy, the ordinary County procurement rules apply to this procurement. Accordingly, the procurement of the proposed Agreement is exempt from the ordinary County procurement rules pursuant to Section 3(a)(viii) of the Westchester County Procurement Policy.

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

Approval of the attached resolution is respectfully requested.

Attachment(s)

RESOLUTION

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

RESOLVED, that the County of Westchester, acting by and through its Department of Health ("WCDH"), is authorized to amend an existing Agreement with Robert Rothman, d/b/a Empirepro, pursuant to which Robert Rothman will provide professional services for the Westchester County Department of Health's pharmacy operations that serve its District Office Sexually Transmitted Disease ("STD"), Tuberculosis ("TB") and Adult & Child Immunization Clinics (the "standard Clinics"), and for professional services in support of the COVID-19 vaccination, for the period from January 1, 2022 through December 31, 2022, for a total amount not-to-exceed \$235,000, payable at the hourly reimbursement rates as stated in Schedule "A" (the "Agreement"), in order to increase the amount not-to-exceed by \$140,000 for a total revised amount not-to-exceed of \$375,000 for additional services to support increased patient visits and Monkey Pox vaccine clinics payable at the same rates; and, be it further

RESOLVED, that under the terms of the proposed amendment, Robert Rothman will provide the additional Services necessary to continue to support increased patient visits, the COVID-19 vaccination clinics and the Monkey Pox vaccine clinics held at the WCDH Clinic Facility located at 134 Court Street, White Plains, NY, and in the community, and to provide the services for the WCDH to act as a distribution hub on behalf of the NYSDOH to receive and distribute the Monkey Pox vaccine to Rockland County and area community health centers; and, be it further

RESOLVED, except as specifically amended herein, all other terms and conditions of the original agreement will remain unchanged; and, be it further

RESOLVED, that this Agreement is subject to County Appropriations; and, be it further

RESOLVED, that this Agreement 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.

Original Agreement	\$235,000
First Amendment	\$
This Amendment	\$140,000
TOTAL	\$375,000

Agreement #

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub-Object	Trust Account	Dollars
	101	27	0010 – 4000-HSSN	4380/39		\$ 25,000
	101	27	0010 – 5600-HSSN	4998/39		(\$85,000)
	263	27	V021-GRNT	4380/39	G021	\$200,000

Budget Funding Year(s) (must match resolution)	2022	Start Date	1/01/22	End Date	12/31/22
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Funding Source	Tax Dollars	(\$ 38,400)	(64%)
	State Aid	(\$ 21,600)	(36%)
\$140,000	Federal Aid	\$ 200,000	(grant 100%)
(must match resolution)	Other		

Schedule "A"

Contract Reimbursement Rates

Supervising Licensed & Registered Pharmacist: \$95 per hour

Additional Licensed & Registered Pharmacists: \$95 per hour

Pharmacy Technician: \$40 per hour