



Robert P. Astorino
County Executive

Department of Social Services

Grant E. Mitchell, MD
Acting Commissioner

14110

Date: September 17, 2010
To: Honorable Board of Acquisition and Contract
From: Grant E. Mitchell, MD
Acting Commissioner, Department of Social Services

RE: Authority to enter into an agreement with Laboratory Corporation of America Holdings to provide genetic marker test services and supportive testimony as ordered by the Family Court in disputed paternity proceedings for a total amount not-to-exceed \$27,500 to be paid on a monthly basis pursuant to an approved budget and subject to appropriation, on a per task basis at the rate of \$32.00 per person tested which also includes the cost of expert witness testimony for the term from January 1, 2011 through December 31, 2011 with the County having the option to extend the contract for an additional one-year term.

The County of Westchester is seeking authorization to enter into an agreement with Laboratory Corporation of America Holdings to provide genetic marker test services and supportive testimony as ordered by the Family Court in disputed paternity proceedings for the term January 1, 2011 through December 31, 2011 for a total amount not-to-exceed \$27,500 to be paid on a monthly basis pursuant to an approved budget and subject to appropriation, on a per task basis at the rate of \$32.00 per person tested, which also includes the cost of expert witness testimony. Authority is also requested for the County to have the option to extend the contract for one additional year on the same terms and conditions; provided, however, that during the option period for the 2012 calendar year the per person rate shall be \$31.00 for each person tested. There has been a decrease in the amount requested for 2011 and this decrease is based on the actual expenditure for this program under the current contract.

Under the Family Court Act of the State of New York, the alleged father in a paternity proceeding has the right to request a genetic marker test to determine whether or

not he can be excluded as the father of a child. The Office of Child Support Enforcement makes every effort to recoup the cost of these tests. However, if the court finds the alleged father indigent, and the child is then, or is likely to be, in receipt of public assistance, the court may direct the Department to pay for the test.

The proposed agreement would provide for the performance of Deoxyribonucleic Acid ("DNA") tests, which produce probabilities of paternity of 99% or greater. In addition, the agreement requires that Laboratory Corporation be prepared and available to provide expert witness testimony should the need arise.

The services to be provided pursuant to the proposed agreement will serve a **public purpose** by assisting the County of Westchester to ensure the safety and welfare of those children whose paternity is in dispute as the tests conducted pursuant to this agreement would establish the paternity and provide for the child's support once the paternity is established and thus help in promoting the economic security and wellbeing of the family.

The **goals and objectives** of this program are to help IV-D customers (clients involved in paternity proceedings pursuant to the Family Court Act of the State of New York) obtain and retain financial security and achieve self sufficiency, thereby eliminating the need for temporary assistance.

The **goals and objectives as stated above are in the best interests of the County in terms of fiscal responsibility** as they assist in reducing the tax dollars spent on public assistance to the targeted population by making the fathers pay for the support of the children and families. Through the tests conducted pursuant to this program, the paternity is established and the alleged father is ordered by Court to pay for the child's support, thus shifting the responsibility of providing assistance to these families and children from County government to private individuals.

The **goals and objectives of this contract will be tracked and monitored** by the Department using the established DSS Performance Measurement Indicators, as well as the Child Support Management System measurement indicators established by the State and GenLink Internet Access.

The Department is able to report that more than 167 families were served through this program during the current contract year by providing them with genetic marker test results admissible in Family Court. In 2010 the vendor, Laboratory Corporation of America was 100% successful in providing genetic marker test results. 167 families were tested and paternity was established for 130 of them. In the other 37 cases the respondent was excluded as the father.

This agreement is exempt from the Westchester County Procurement Policy pursuant to Section 3 (a) viii which exempts procurements for contracts for medical or health related services. Nevertheless, the Department requested written price quotes from 5 approved genetic testing laboratories approved by the New York State Office of Disability and

Temporary Assistance. Smaller laboratories indicated that they were unable to meet our volume demand, or unable to set up collection stations in our courts. Laboratory Corporation, the current provider of such services to the Department, submitted a price quote, at a rate of \$32.00 per person tested. In addition to its competitive price, Laboratory Corporation was selected due to its proven ability under the present agreement to provide services that are flexible and reliable at the Department's three (3) Family Court sites. They also have provided software and technical support to obtain testing results on line at no additional cost to the County.

Accordingly, the County of Westchester is hereby requesting permission to enter into an agreement with the Laboratory Corporation of America Holdings for the aforesaid purpose.

A resolution requesting the same is attached for your Honorable Board's approval.

APPROVED BOARD OF ACQUISITION & CONTRACT - 9-30-2010 - JOMARY VIEIRA SECRETARY

RESOLUTION

Upon a communication from the Acting Commissioner of the Department of Social Services, be it hereby

RESOLVED, that the County of Westchester is hereby authorized to enter into an agreement with Laboratory Corporation of America Holdings to provide genetic marker test services and supportive testimony for the period January 1, 2011 through December 31, 2011 for an amount not to exceed \$27,500 to be paid monthly pursuant to an approved budget on a per task basis at the rate of \$32.00 per person tested which also includes the cost of expert witness testimony; and be it further

RESOLVED, that the County, at its sole option, may extend the term of the Agreement for up to one (1) additional one (1) year term under the same terms and conditions; provided, however, that during the option period for the 2012 calendar year the per person rate shall be \$31.00 for each person tested.

RESOLVED, that this Contract is subject to County Appropriation; 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 representative is hereby authorized to execute all documents and to take all actions, necessary and appropriate, to effectuate the purposes hereof.

Account to be

Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars
101	22	8000	4420	_____	\$27,500

Budget Funding Year(s): 2011
(must match resolution)

Start Date: 1/1/11

End Date: 12/31/11

Funding Source

\$27,500
(must match resolution)

Tax Dollars: 33%

State Aid: 15%

Federal Aid: 52%

Other _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 9-30-2010 - JOMARY VIEIRA, SECRETARY

2011 GMT PRICE QUOTES

Laboratory Corporation of America

Quote from current vendor of \$32.00 per test for the 2011 year contract and 31.00 per test for a twelve month extension in 2012.

Orchid Cellmark

Received call, no price quote.

Boston Univ. Center for Human Genetics

Did not submit price quote as they are unable to provide a tester in Westchester Family Court locations.

BRT Laboratories

Submitted a price quote for 38.00 per person tested.

Independent Forensics of Illinois

No quote.

Laboratory Corporation of America has provided reliable, efficient service to Westchester County Office of Child Support Enforcement continuously for 13 years from 1997 to 2010. The laboratory has 5 patient service centers in Westchester County, 85 patient service centers in New York State and 1,600 patient service centers worldwide. This laboratory employs 738 individuals in New York State. Therefore, the Office of Child Support Enforcement has selected this laboratory.