

**42781**

DATE: October 20, 2014

TO: Board of Acquisition and Contract

FROM: Kevin M. Cheverko  
Commissioner of Correction

RE: Authority to exercise an option to renew an Agreement with the Westchester County Health Care Corporation (“WCHCC”) for a term commencing January 1, 2015 through December 31, 2015, whereby WCHCC will provide, through its Occupational Health Center, medical consulting services in an amount not to exceed Thirty Thousand (\$30,000.00) Dollars per year at the rates set forth in Schedule "A".

As you are aware, Section 3307(4) of the New York Public Authorities Law requires the approval of the Board of Legislators and Board of Acquisition and Contract for agreements between the County and the WCHCC. On April 11, 2011, the Westchester County Board of Legislators adopted Act No. 2011-46, authorizing the County to enter into an agreement with WCHCC, whereby WCHCC would provide, through its Occupational Health Center, medical consulting services necessary for satisfactory implementation of the Uniform Attendance Standards of the Department of Correction, including, without limitation, reviewing the medical status of employees to determine fitness for duty (“Medical Consulting Services”).

By resolution approved on May 19, 2011 (the “May 19<sup>th</sup> Resolution”), your Honorable Board authorized the County to enter an agreement with WCHCC to provide Medical Consulting Services for a term commencing January 1, 2011 through December 31, 2013, with a County option to renew for two (2) additional one-year periods in an amount not to exceed Thirty Thousand (\$30,000.00) Dollars per year pursuant to approved rates, for a total aggregate amount not to exceed Ninety Thousand (\$90,000.00) Dollars (the “Agreement”). The Agreement was subsequently executed.

By resolution approved on June 5, 2014 (the “June 5<sup>th</sup> Resolution”), your Honorable Board authorized the County to exercise the first of two options to renew the Agreement for a term commencing January 1, 2014 through December 31, 2014, in an amount not to exceed Thirty Thousand (\$30,000.00) Dollars per year pursuant to approved rates, with a County option to renew for an additional one (1) year period (the “Renewal Agreement”). The Renewal Agreement was subsequently executed.

The County now desires to exercise the second of its two options to renew the Agreement for the period commencing January 1, 2015 and terminating December 31, 2015 in an amount not to exceed Thirty Thousand (\$30,000) Dollars pursuant to the rates set forth in Schedule "A". The rates to be paid by the County will be capped at a 4% increase over what the County paid for the same services in the previous year.

The proposed agreement serves the public interest by better enforcement and control of the Department of Correction's Uniform Attendance Standards. The goals and objectives are to maximize correctional security and employee safety, and reduce overtime costs by utilizing an independent medical facility to review the medical status of Correction Officers to determine their fitness for duty. The program will be tracked and monitored by the Department.

A Resolution for your consideration is annexed hereto. I recommend your favorable consideration of the annexed proposed Resolution.

KMC/EOS/  
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACTS 1/20/15 JOHANNY VIEIRA SECRETARY

## RESOLUTION

Upon a communication from the Commissioner of Correction, be it hereby

**RESOLVED**, that the County of Westchester, through its Department of Correction, is authorized to exercise the second of its two options to renew an agreement with the Westchester County Health Care Corporation ("WCHCC"), whereby WCHCC will provide, through its Occupational Health Center, medical consulting services necessary for satisfactory implementation of the Uniform Attendance Standards of the Department of Correction, including, without limitation, reviewing the medical status of employees to determine fitness for duty; and be it further

**RESOLVED**, that the term of the agreement shall commence January 1, 2015 through December 31, 2015. Both parties shall have the right to terminate the agreement on thirty (30) days written notice to the other; and be it further

**RESOLVED**, that the County shall pay WCHCC an amount not to exceed Thirty Thousand (\$30,000.00) Dollars at the rates set forth in Schedules "A". The rates to be paid by the County will be capped at a 4% increase over what the County paid for the same services in the previous year, 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 WCHCC, then the WCHCC shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further

**RESOLVED**, that the County Executive or his authorized designee is authorized and empowered to execute and deliver all instruments and take all actions necessary or 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	35	1000	4380		\$30,000.00

Budget Funding Year(s) 2015 Start Date 1/1/15 End Date: 12/31/15  
(must match resolution)

Funding Source Tax Dollars 30,000.00

State Aid \_\_\_\_\_

\$ 30,000.00 Federal Aid \_\_\_\_\_  
(must match resolution)

Other \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT, 11/20/2014 JOMARY VIEIRA, SECRETARY