

59803

Date: November 3, 2017

To: The Honorable Board of Acquisition and Contract

From: Kunjlata Ashar, M.D.
Medical Examiner/ Pathologist
Department of Laboratories & Research

Re: **Resolution authorizing the County of Westchester to exercise its fourth and final option to renew an Agreement with Apex Life Sciences, LLC (formerly "On Assignment Staffing Services, Inc."), for the provision of temporary laboratory personnel on an as-needed basis, at a total cost to the County not to exceed One Hundred Seventy-Two Thousand, Seven Hundred Forty-Nine (\$172,749.00) Dollars, for the one (1) year extension period commencing on January 1, 2018 and terminating on December 31, 2018**

By resolution approved on February 12, 2014, your Honorable Board authorized the County of Westchester (the "County") acting by and through its Department of Labs and Research (the "Department") to enter into an agreement (the "Agreement") with On Assignment Staffing Services, Inc. ("On Assignment"), for the provision of temporary laboratory personnel on an as-needed basis, at a total annual cost to the County not to exceed One Hundred Ninety Seven Thousand Seven Hundred Seventy Five (\$197,775.00) Dollars for the one (1) year period commencing on January 1, 2014 and terminating on December 31, 2014, with options exercisable in the County's sole discretion to renew the Agreement for four (4) additional one (1) year periods (the "Agreement"). The Agreement was subsequently executed.

Thereafter, by resolution approved on January 8, 2015, your Honorable Board authorized the County to exercise its first option to renew the Agreement with On Assignment for the provision of temporary lab personnel on an as-needed basis, at a total annual cost to the County not-to-exceed Two Hundred Fourteen Thousand Three Hundred Twenty-Five (\$214,325.00) Dollars for the one (1) year extension period commencing on January 1, 2015 and terminating December 31, 2015 (the "First Option to Renew"). The First Option to Renew was duly executed.

Thereafter, by resolution approved on December 17, 2015, your Honorable Board authorized the County to exercise its second option to renew the Agreement with On Assignment for the provision of temporary lab personnel on an as-needed basis, at a total annual cost to the County not-to-exceed One Hundred Forty Nine Thousand and Twenty-Five (\$149,025.00) Dollars for the one (1) year extension period commencing on January 1, 2016 and terminating

December 31, 2016 (the “Second Option to Renew”). The Second Option to Renew was duly executed.

Thereafter, by resolution approved on November 10, 2016 (the “November 10th Resolution”), your Honorable Board authorized the County to exercise its third option to renew the Agreement with On Assignment for the provision of temporary lab personnel on an as-needed basis, at a total annual cost to the County not-to-exceed One Hundred Fifty-Four Thousand One Hundred Twenty-Five (\$154,125.00) Dollars for the one (1) year extension period commencing on January 1, 2017 and terminating December 31, 2017 (the “Third Option to Renew”).

Thereafter, by resolution approved on February 28, 2017, your Honorable Board authorized the County to amend the November 10th Resolution in order to reflect the contractor’s new name, Apex Life Sciences, LLC (“Apex”). The Third Option to Renew was thereafter duly executed in the name of Apex.

The County, acting by and through the Department, is now desirous of exercising its fourth and final option to renew the Agreement for an additional one (1) year term at a total cost not to exceed One Hundred Seventy-Two Thousand, Seven Hundred Forty-Nine (\$172,749.00) Dollars, for the one (1) year extension period commencing on January 1, 2018 and continuing through December 31, 2018. Accordingly, authority is hereby requested from your Honorable Board for the County to exercise its fourth and final option to renew the Agreement with Apex for an additional one (1) year term payable in accordance with the rates set forth in Exhibit “A” annexed hereto.

Except as specifically amended hereby, all remaining terms and conditions of the Agreement, as previously amended, shall remain the same.

The goal and objective of the Agreement is to provide the residents of Westchester County with the most qualified temporary lab personnel to conduct forensic and public health analysis. The value and importance of these services are in the best interest of the County in terms of ensuring continued public health and safety. The goal and objective will be tracked and monitored by each division which maintains attendance records and the proficiency of the temporary personnel. These personnel are paid on an hourly basis for which the County is billed weekly. Division heads approve weekly timesheets which are forwarded to the vendor and returned with the weekly billing.

This fourth renewal of the Agreement is exempt under section 3(a)(viii) of the Westchester County Procurement Policy, which exempts, among other things, contracts for the services of laboratory technicians. However, it is subject to the requirements of the Federal Common Grant Rules and therefore a Request for Proposals was issued in 2013 for the procurement of the services provided under the Agreement. At that time, On Assignment was determined to be the most advantageous vendor to the County for the provision of these services. However, the Federal Common Grant Rules also require grantees to conduct a price or cost analysis prior to exercising a renewal option for agreements paid for with federal grant funds. In order to comply with this requirement, the Department sent requests for information to five (5) vendors that provide similar services (Titan Medical Group, Maxim Staffing Solutions, Club Staffing, Human Edge and Soliant Corp.). However, no response was received from any of these vendors.

On Assignment (now Apex) has always been very responsive to the Department's needs and has historically provided the Department with excellent service at a good price. Accordingly, I recommend that your Honorable Board approve the attached Resolution authorizing the County to exercise its fourth and final option to renew the Agreement with Apex.

KA/PS/jpg
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/07/2017 - LISA MRIJAJ, SECRETARY

RESOLUTION

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

RESOLVED, that the County of Westchester (the "County") is hereby authorized to exercise its fourth and final option to renew an agreement (the "Agreement") with Apex Life Sciences, LLC (formerly "On Assignment Staffing Services, Inc.") for the provision of temporary lab personnel on an as-needed basis, at a total annual cost to the County not to exceed One Hundred Seventy-Two Thousand, Seven Hundred Forty-Nine (\$172,749.00) Dollars, for the one (1) year extension period commencing on January 1, 2018 and terminating on December 31, 2018 to be paid in accordance with the rates set forth in Exhibit "A" annexed hereto; and be it further

RESOLVED, that except as specifically amended hereby, all remaining terms and conditions of the Agreement, as previously amended, shall remain the same; and be it further

RESOLVED, that the Agreement is subject to County appropriations; and be it further

RESOLVED, that the 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 budget of the State of New York and/or the adoption of a State Budget or any amendments thereto, and after the County has a reasonable period of time to conduct an analysis of the impacts of any such budget(s) on County finances, to terminate the agreement authorized herein or to renegotiate the amount 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, is hereby authorized to execute such documents and take such actions as may be 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	31	0010-4000	4380		25,000.00
263	31	T860-860S	4380		13,000.00
263	31	T860-860T	4380		134,749.00

Budget Funding Year(s): Start Date 1/1/2018 End Date 12/31/2018
(must match resolution)

Funding Source Tax Dollars 25,000.00
State Aid _____

\$ 172,749.00 Federal Aid 147,749.00
(must match resolution) Other _____