

George Latimer  
County Executive

Department of Social Services

Kevin M. McGuire  
Commissioner

**61088**

**Date:** January 26, 2018

**To:** Honorable Board of Acquisition and Contract

**From:** Kevin M. McGuire, Commissioner  
Department of Social Services

**RE:** **Authority to exercise the second option to extend the 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 \$25,000 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 \$29.95 per person tested which also includes the cost of expert witness testimony for the term January 1, 2018 through December 31, 2018.**

By resolution approved on March 3, 2016, your Honorable Board authorized the County of Westchester ("County"), acting by and through the Department of Social Services ("Department"), to enter into an agreement with Laboratory Corporation of America Holdings ("Laboratory Corporation") 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 \$30,000 to be paid on a monthly basis pursuant to an approved budget and subject to appropriation at the rate of \$29.95 per person tested which also includes the cost of expert witness testimony for the term January 1, 2016 through December 31, 2016 with the County having the option to extend the contract for two (2) additional one-year terms under the same terms and conditions. The agreement was subsequently executed.

By resolution approved on December 29, 2016, your Honorable Board authorized the County to exercise the first option to extend the agreement under the same terms and conditions, and at a reduced total amount not-to-exceed of \$25,000 to be paid on a monthly basis pursuant to an approved budget and subject to appropriation at the rate of \$29.95 per person tested which also includes the cost of expert witness testimony for the term January 1, 2017 through December 31, 2017 with the County having the option to extend the contract for one additional one-year term under the same terms and conditions. The agreement was subsequently executed.

Authority is now requested for the County to exercise its second and final option to renew the agreement with Laboratory Corporation by extending the agreement for one year

commencing on January 1, 2018 and continuing through December 31, 2018 under the same terms and conditions for an amount not to exceed \$25,000 to be paid pursuant to an approved budget and subject to appropriation.

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 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 136 families were served through this program during the 2017 contract year (January through December) by providing them with genetic marker test results admissible in Family Court. In 2017, the vendor, Laboratory Corporation of America Holdings was 100% successful in providing genetic marker test results within ten (10) business days. Of the 136 families tested, paternity was established for 109 of them. In the other 27 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, in 2015, the Department requested written price

quotes from 11 genetic testing laboratories approved by the New York State Office of Disability and Temporary Assistance (see attached). Laboratory Corporation, the current provider of such services to the Department, submitted a price quote, at a rate of \$29.95 per person tested. They have agreed to honor this rate throughout the term of the contract including the 2017 and 2018 extensions. 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 online at no additional cost to the County.

Except as specifically amended hereby, all other terms and conditions of the original agreement as extended shall remain in full force and effect.

Accordingly, the County of Westchester is hereby requesting permission to exercise its second and final option to renew the agreement with Laboratory Corporation of America Holdings by extending the agreement for one additional year for the aforesaid purpose.

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

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/12/2018 - LISA MRIJAN SECRETARY

# R E S O L U T I O N

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

**RESOLVED**, that the County of Westchester is hereby authorized to exercise the second and final option to renew the 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 \$25,000, to be paid on a monthly basis pursuant to an approved budget on a per task basis at the rate of \$29.95 per person tested which also includes the cost of expert witness testimony, for the term January 1, 2018 through December 31, 2018; 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 except as specifically amended hereby, all other terms and conditions of the original agreement as extended shall remain in full force and effect; 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	-----	\$25,000

Budget Funding Year(s): 2018  
(must match resolution)

Start Date: 1/1/18

End Date: 12/31/18

Funding Source

Tax Dollars: 40%

State Aid: 0%

**\$25,000**

Federal Aid: 60%

(must match resolution)

Other:

## GENETIC MARKER TESTING PRICE QUOTES

### Laboratory Corporation of America

Quote from current vendor of \$29.95 per test for the 2016 year contract and \$29.95 per test for two twelve month extensions in 2017 and 2018.

The following 10 New York State approved laboratories were contacted and failed to submit a quote:

1. Chromosomal Labs Bode Technology
2. Advanced Genetics Testing Laboratory LLC
3. Independent Forensics of Illinois
4. Indiana Blood Center
5. Paternity Testing Corporation
6. Genetic Technologies Inc
7. DNA Diagnostics Center
8. DNA Solutions, Inc
9. Sorenson Genomics-Identigene.
10. AlBiotech dba, Fairfax Identity Laboratories

Laboratory Corporation of America has provided reliable, efficient service to Westchester County Office of Child Support Enforcement continuously for 20 years from 1997 to 2017. The laboratory has 20 patient service centers in Westchester County, 127 patient service centers in New York State and 1,800 patient service centers nationwide and 10,800 sites in total. This laboratory employs 1400 individuals in New York State. Therefore, the Office of Child Support Enforcement has selected this laboratory.