

68699

DATE: March 21, 2019

TO: Board of Acquisition and Contract

FROM: Sherlita Amler, M.D.
Commissioner of Health

RE: Authorization to enter into a second contract amendment with the New York State Department of Health for the Consumer Assistance for the New York State Health Benefit Exchange: In Person Assistors and Navigators Grant Program to further extend the contract period and to increase the not-to-exceed amount, pursuant to an approved budget, as follows:

First Contract Amendment

Contract Period: 8/1/13 - 4/30/19
Amount Not-To-Exceed: \$2,508,598

Second Contract Amendment

Contract Period: 8/1/13 - 7/31/19
Amount Not-To-Exceed: \$2,607,752

On August 29, 2013, Your Honorable Board approved a Resolution (the "August 29, 2013 Resolution") authorizing the County of Westchester, acting by and through its Department of Health (the "WCDH"), to enter into contract with the New York State Department of Health (the "NYSDOH") to accept funding for the Consumer Assistance for the New York State Health Benefit Exchange: In Person Assistors and Navigators Grant Program, pursuant to an approved budget, for the contract period 08/01/13 – 9/30/18, in the amount not-to-exceed \$2,254,103. This contract has been executed.

On May 17, 2018, Your Honorable Board approved a Resolution (the "May 17, 2018 Resolution") authorizing the County of Westchester, acting by and through its Department of Health (the "WCDH"), to enter into a contract amendment with the New York State Department of Health (the "NYSDOH") to extend the contract period to April 30, 2019 and increase the not-to-exceed amount by \$254,495, pursuant to an approved budget, to the revised amount not-to-exceed \$2,508,598. This contract amendment has been executed.

By way of background, the WCDH applied for new funding through a Request for Application ("RFA") issued by the NYSDOH in 2018 for the Consumer Assistance for NY State of Health: Navigators Grant Program, which was determined to have an anticipated contract term of 05/01/19 through 4/30/24. While the WCDH has recently been informed by the NYSDOH that it has been awarded funding pursuant to the above referenced RFA for a new five-year period, the new contract period does not begin until August 1, 2019.

Therefore, the NYSDOH has notified the WCDH that another contract amendment will be required to further extend the contract period from May 1, 2019 to July 31, 2019 and to increase the funding amount by \$99,154, pursuant to an approved budget, to the new revised amount not-to-exceed \$2,607,752.

As part of the federal Affordable Care Act (“ACA”), the Governor of New York created the New York State Health Benefit Exchange (“Exchange”), which is a one-stop marketplace where individuals and small businesses (“potential applicants”) can explore and compare private and public health insurance options, health plans, out of pocket costs, and eligibility for advance premium tax credits and cost sharing assistance. As required by the ACA, the Exchange is required to establish and operate the IPA/Navigators Program.

The amendment will also require the County to indemnify the New York State Department of Health as follows:

“The Contractor shall be solely responsible and answerable in damages for any and all accidents and/or injuries to persons (including death) or property arising out of or related to the services to be rendered by the Contractor or its subcontractors pursuant to this Master Contract. The Contractor shall indemnify and hold harmless the State and its officers and employees from claims, suits, actions, damages and cost of every nature arising out of the provision of services pursuant to the Master Contract.”

The IPA/Navigators Program will promote the public health and general welfare of County residents by providing in-person application assistance to all potential applicants who apply for health insurance through the Exchange.

The goal of the IPA/Navigators Program is to reduce barriers in accessing and applying for health insurance by providing in-person, culturally competent and linguistically appropriate application assistance to all potential applicants in convenient community-based locations where this targeted population may congregate during days, evenings and weekends.

The Program’s objectives will be accomplished by offering information in a fair and impartial matter on the types of health insurance programs available through the Exchange, providing application assistance for private and public health insurance programs and advance premium tax credits and cost-sharing reductions and referring consumers to other organizations for help with grievances, complaints or questions regarding health coverage or a determination related to coverage.

I certify that my department, a.) has copies of, or access to, all applicable laws, rules, regulations, grant applications, and grant agreements (including any master grant agreement), as well as any guidance or instructions received from the agency making the grant (the “Grant Terms”), b.) has reviewed the Grant Terms, c.) is aware of and understands all of the Grant Terms, and d.) can and will comply with all of the Grant Terms.

All other terms and conditions of the original contract as amended shall remain the same.

Approval of the attached resolution is respectfully requested.

/dc
Attachment

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, is authorized to enter into a second contract amendment with the New York State Department of Health for the Consumer Assistance for the New York State Health Benefit Exchange: In Person Assistors and Navigators Grant Program in order to further extend the contract period and increase the not-to-exceed amount by \$99,154, pursuant to an approved budget as follows;

First Contract Amendment

Contract Period: 8/1/13 - 4/30/19
Amount Not-To-Exceed: \$2,508,598

Second Contract Amendment

Contract Period: 8/1/13 - 7/31/19
Amount Not-To-Exceed: \$2,607,752;

and, be it further

RESOLVED, that all other terms and conditions of the original contract as amended shall remain the same; and, be it further

RESOLVED, that the contract amendment will also require the County of Westchester to indemnify the New York State Department of Health as follows:

“That the Contractor shall be solely responsible and answerable in damages for any and all accidents and/or injuries to persons (including death) or property arising out of or related to the services to be rendered by the Contractor or its subcontractors pursuant to this Master Contract. The Contractor shall indemnify and hold harmless the State and its officers and employees from claims, suits, actions, damages and cost of every nature arising out of the provision of services pursuant to the Master Contract”; 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.

Department of Health
County of Westchester
10 County Center Road, 2nd Floor
White Plains, New York 10607

Original Agreement	\$2,254,103
First Amendment	\$ 254,495
This Amendment	\$ 99,154

TOTAL \$2,607,752

Agreement #

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub-Object	Trust Account	Dollars
	263	27	517T	9853	T517	\$41,377
	263	27	517T	9854	T517	\$57,777

Budget Funding Year(s)
(must match resolution) 2019 Start Date 05/01/19 End Date 7/31/19

Funding Source	Tax Dollars	
	State Aid	<u>(NYSDOH) – \$41,377</u>
\$99,154	Federal Aid	<u>(pass thru NYSDOH) - \$57,777</u>
(must match resolution)	Other	<u></u>

APPROVED BOARD OF ACQUISITION & CONTRACT - 03/28/2019 - LISA MRIJAJ, SECRETARY