

72149

TO: Board of Acquisition and Contract

FROM: Aleksandar Milovanovic, M.D.
Pathologist / Deputy Medical Examiner
Department of Labs & Research

DATE: October 18, 2019

RE: Resolution authorizing the County of Westchester to enter into an agreement with the County of Rockland, pursuant to which the County will provide tuberculosis and infectious disease testing services, for a term commencing on January 1, 2020 and terminating on December 31, 2020, for an amount not to exceed \$10,000.

The attached resolution, if approved by your Honorable Board, would authorize the County of Westchester (the "County"), acting by and through its Department of Laboratories and Research (the "Department") to enter into an agreement (the "Agreement") with Rockland County, for the County's provision of tuberculosis and infectious disease testing services, for a term commencing on January 1, 2020 and terminating on December 31, 2020, in an amount not to exceed \$10,000.00, to be paid to the County pursuant to the County's set fee schedule for these services.

The County of Rockland does not have the capability to perform tuberculosis and infectious disease testing and has requested that the County perform these testing services on behalf of and for the benefit of the County of Rockland for the protection of the general public. The Agreement provides for a term commencing on January 1, 2020 and terminating on December 31, 2020. The County of Rockland shall pay the County for these testing services an amount not to exceed \$10,000.00, pursuant to the County's set fee schedule.

It should be noted that this Agreement would normally fall within the County's Short Form Authority Approval. However, because the Agreement contains an indemnity provision in accordance with the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), the approval of your Honorable Board is required. Pursuant to HIPAA, the County will agree to "defend, indemnify and hold Covered Entity ('County of Rockland') harmless against all actions, claims, losses, liability, costs and other expenses including

reasonable attorneys' fees, without limitation, resulting from or arising out of the acts or omissions of Business Associate ('County') in the performance of its duties and obligations under the Agreement."

The goals and objectives of this Agreement are to protect the public at large by providing testing for tuberculosis and other infectious diseases.

The Agreement shall serve a public purpose by preventing the spread of illness between the County and the County of Rockland by providing testing, diagnosis and treatment for tuberculosis and other infectious diseases.

The action requested herein is not a procurement and therefore the County Procurement Policy does not apply.

Since the County is able to perform these testing services which the County of Rockland is unable to provide, and in order to protect the health and welfare of the public at large, I most respectfully request that your Honorable Board approve the attached proposed Resolution.

AM/PS/CMC
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 11/14/2019 - 157-MRIJAS/SECRETARY

RESOLUTION

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

RESOLVED, that the County of Westchester (the "County"), acting by and through its Department of Laboratories and Research (the "Department"), is authorized to enter into an agreement ("Agreement") with the County of Rockland, pursuant to which the County shall provide tuberculosis and other infectious disease testing, for a term commencing on January 1, 2020 and terminating on December 31, 2020, for an amount not to exceed \$10,000.00, to be paid to the County pursuant to the County's set fee schedule; and be it further

RESOLVED, that the Agreement contains a provision pursuant to the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), wherein the County will agree to "defend, indemnify and hold Covered Entity ('County of Rockland') harmless against all actions, claims, losses, liability, costs and other expenses including reasonable attorneys' fees, without limitation, resulting from or arising out of the acts or omissions of Business Associate ('County') in the performance of its duties and obligations under the Agreement"; and be it further

RESOLVED, that the County Executive or his authorized designee is hereby authorized and empowered to execute any and all documents necessary and appropriate to effectuate the purposes hereof.

Account to be
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Object	Sub-	Trust Account	Dollars
101	31	0010-4200	9067			\$ 10,000

Budget Funding Year(s) 2020 Start Date 1/1/2020 End Date 12/31/2020
(must match resolution)

Funding Source Tax Dollars _____

\$10,000 State Aid _____
Federal Aid _____

(must match resolution) Other \$10,000 _____