

80191

October 14, 2020

To: The Honorable Board of Acquisition and Contract

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

Re: **Resolution authorizing the County of Westchester to exercise the second of its four (4) options under an agreement with Human Edge, Inc. for the provision of temporary lab personnel on an as-needed basis for an additional one (1) year period commencing on January 1, 2021 and terminating on December 31, 2021 at a total cost to the County not-to-exceed \$239,000.00, payable in accordance with an agreed upon fee schedule.**

By resolution approved on November 15, 2018 (the “November 15th Resolution”), your Honorable Board authorized the County of Westchester (the “County”) acting by and through its Department of Laboratories and Research (the “Department”), to enter into an agreement with Human Edge, Inc. (“Human Edge”) for the provision of temporary lab personnel on an as-needed basis for a one (1) year period commencing on January 1, 2019 and terminating on December 31, 2019, at a total cost to the County not-to-exceed \$213,000.00, payable in accordance with an agreed upon fee schedule (the “Agreement”). The November 15th Resolution further authorized the County, at its sole option, to renew the Agreement on the same terms and conditions, including hourly rates, as provided for during the initial term, for up to four (4) additional one (1) year periods, subject to the further approval of your Honorable Board. The Agreement was subsequently executed.

Thereafter, by resolution approved on November 11, 2019 (the “November 11th Resolution”), your Honorable Board authorized the County to exercise the first of its four (4) options to renew the Agreement for an additional one (1) year period commencing on January 1, 2020 and terminating on December 31, 2020 at a total cost to the County not-to-exceed \$235,000.00, payable in accordance with an agreed upon fee schedule (the “First Amendment”). Following approval of the November 11th Resolution, the parties decided to reduce the not-to-exceed cap from \$235,000.00 to \$175,000.00. The First Amendment was thereafter executed.

The County now desires to exercise the second of its four (4) options to renew the Agreement. Accordingly, authority is requested for the County to exercise its second option under an agreement with Human Edge for the provision of temporary lab personnel on an as-needed basis for an additional one (1) year period commencing on January 1, 2021 and terminating on December 31, 2021 at a total cost to the County not-to-exceed \$239,000.00, payable in accordance with an agreed upon fee schedule.

Except as specifically amended hereby, all remaining terms and conditions set forth in the Agreement shall remain in full force and effect upon the parties.

The goals and objective of the Agreement is to provide the residents of Westchester County with the most qualified temporary lab personnel to conduct forensic evidence analysis, public health sample analysis, environmental, microbiological and toxicological analysis, confidential, hazardous investigative laboratory testing for police agencies, medical facilities, governmental institutions and private clients. The value and importance are in the best interest of the County in terms of ensuring continued public health and safety.

The goals and objectives 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.

The procurement 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, because the Agreement is being funded primarily with federal funds, the procurement is subject to the Federal Common Grant Rule (45 C.F.R. section 92) which requires competitive procurement. The Department issued a Request for Proposals (“RFP”) on August 22, 2018 by posting on the County website as well as emailing the RFP to the followings agencies: Apex and Human Edge. Timely proposals were received by the Department from Human Edge, Diskriter, Apex Life Sciences, LLC (“Apex”) and Sunbelt Staffing. The proposals were evaluated by the Department in accordance with the criteria set forth in the RFP. Although Diskriter submitted the lowest price proposal, the Department was unable to contact any of the three (3) references provided in its proposal, despite repeated attempts to do so. Human Edge was chosen as the first choice due to their extensive experience in the fields required by the Department and because they submitted the second lowest price proposal.

In addition, the County, acting by and through the Department, and in accordance with the applicable Federal regulations, attempted to perform a cost analysis of the costs for the County’s renewal option under the Agreement to ensure that the rates payable by the County under the renewal option were reasonable. Requests for Quotes were sent to the following six (6) laboratory staffing agencies: Titan Medical Group, Maxim Staffing Solutions, Club Staffing, Soliant Corp, Sunbelt Staffing and Apex. However, no responses were received.

Accordingly, I recommend that your Honorable Board approve the attached resolution authorizing the County to exercise the second of its four (4) options under its the Agreement with Human Edge.

R E S O L U T I O N

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

RESOLVED, that the County of Westchester (the "County") is hereby authorized to exercise the second of its four (4) options under an agreement with Human Edge, Inc.(the "Agreement") for the provision of temporary lab personnel on an as-needed basis for an additional one (1) year period commencing on January 1, 2021 and terminating on December 31, 2021 at a total cost to the County not-to-exceed \$239,000.00, payable in accordance with an agreed upon fee schedule; and be it further

RESOLVED, that the County, at its sole option, may renew the Agreement for up to two (2) additional one (1) year periods, on the same terms and conditions, including hourly rates, as provided for during the initial term, subject to the further approval of the County Board of Acquisition & Contract; and be it further

RESOLVED, that except as specifically amended hereby, all remaining terms and conditions set forth in the Agreement shall remain in full force and effect upon the parties; 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 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 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 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 | | \$30,000 |
| 263 | 31 | T860-860V | | T860 | \$80,000 |
| 263 | 31 | T860-860W | | T860 | \$129,000 |

Budget Funding Year(s): Start Date 01/01/2021 End Date 12/31/2021
(must match resolution)

Funding Source Tax Dollars \$ 30,000 _____
State Aid _____
\$ 239,000 Federal Aid \$ 209,000 _____
(must match resolution) Other _____