

84001

DATE: April 2, 2021

TO: Board of Acquisition and Contract

FROM: Sherlita Amler, MD
Commissioner of Health

RE: Authorization to Amend a Short Form Agreement with Westchester Catering, LLC to provide food and catering refreshment services for WCDH Staff who currently work at the County COVID PODs/Clinics, (“Work” or “Services”), for the period from January 1, 2021 through December 31, 2021, in order to increase the Amount Not-to-Exceed by \$70,000 for a total revised Amount Not-To-Exceed \$105,000 for additional services to be paid at the reimbursement rates as specified in Schedule “A”

On February 25, 2021, the County of Westchester, acting by and through its Department of Health, (“WCDH”), entered into a “short form” agreement with Westchester Catering, LLC (“Contractor”) to provide food and catering refreshment services for WCDH Staff who currently work at the County COVID PODs/Clinics (“Work” or “Services”), for the period from January 1, 2021 through December 31, 2021, in the amount not-to-exceed \$35,000 payable at the reimbursement rates as specified in Schedule “A” (the “Agreement”). This agreement has been executed.

The County has been operating a COVID vaccination site at the SUNY Westchester Community College (“WCC”) several days per week at various hours. Under the terms of the agreement, the Contractor has been providing the Services for several weeks now, and since the WCC COVID Clinic will continue to operate and dispense COVID vaccinations to the public for the foreseeable future, the WCDH requires the Contractor to continue to provide these Services.

The County Executive’s office has authorized that food and refreshment services continue to be provided to the WCDH Staff who are currently working at the County WCC COVID PODs/Clinics to minimize disruption in vaccination administration operations by allowing staff to remain on-site.

Therefore, the WCDH is now requesting authorization to amend the existing “short form” agreement in order to increase the amount not-to-exceed by \$70,000 for a total revised amount not-to-exceed \$105,000 for the provision of additional Services, to be paid at the reimbursement rates as specified in Schedule “A”.

This contract amendment will promote the public health, safety and general welfare of County residents by providing food and refreshment services for the WCDH Staff who currently work at the County WCC COVID PODs/Clinics in order to minimize disruption in vaccination administration operations by allowing staff to remain on-site.

The goal and objective is to promote the public health, safety and general welfare of persons being vaccinated by providing food and refreshment services to WCDH staff who are currently working at the County WCC COVID PODs/Clinics to help them remain focused and nourished.

The services provided will be tracked and monitored by WCDH supervising staff on-site at the WCC COVID Clinics by ensuring that the Contractor's services are only provided to WCDH staff.

It should be noted that the proposed contract amendment is being partially funded with funds provided to the County under the American Rescue Plan Act (ARPA) Sec. 603. Coronavirus Local Fiscal Recovery Fund (the "Fund"). It is believed that, similar to the handling of the Coronavirus Relief Fund, monies provided under the Fund are not subject to the Federal procurement rules in 2 CFR Part 200.317 through Part 200.326. Therefore, pursuant to Section 13(d) of the Westchester County Procurement Policy, the ordinary County procurement rules apply to this procurement. The original Agreement was procured by following Section 5(b) of the County Procurement Policy procedures, and the Contractor is charging last year's quoted contract prices for the WCDH.

It should be noted that this Contractor is also used by the County Executive's office and the Department of Emergency Services.

All other terms and conditions of the original contract will remain unchanged.

Approval of the attached resolution is respectfully requested.

Attachment(s)

APPROVED BOARD OF ACQUISITION & CONTRACT - 01/08/2021 - LISAPATRICK@SECRETARY

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 ("WCDH"), is authorized to amend an existing short form agreement with Westchester Catering LLC to provide food and catering refreshment services for WCDH Staff who currently work at the County COVID PODs/Clinics ("Work" or "Services"), for the period from January 1, 2021 through December 31, 2021, in order to increase the amount not-to-exceed by \$70,000 for a total revised amount not-to-exceed \$105,000 for additional services to be paid at the reimbursement rates as specified in Schedule "A"; and, be it further

RESOLVED, that all other terms and conditions of the original agreement will remain unchanged; 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 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	\$35,000
First Amendment	\$
This Amendment	\$70,000
TOTAL	\$105,000

Agreement # HLT21122105A

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub-Object	Trust Account	Dollars
	101	27	0010 - HSSS	4998-02		\$70,000

Budget Funding Year(s)
(must match resolution) 2021 Start Date 01/01/21 End Date 12/31/21

Funding Source	Tax Dollars	
	State Aid	<u>\$25,200 (36%)</u>
\$70,000	Federal Aid	<u>\$44,800 (64%)</u>
(must match resolution)	Other	<u></u>

Schedule "A"

Contract Reimbursement Rates

Breakfast: \$8.95 per person

Lunch: \$11.95 per person

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/08/2021 - LISA MARIJAJ, SECRETARY