

84050

DATE: April 5, 2021

TO: Board of Acquisition and Contract

FROM: Sherlita Amler, MD
Commissioner of Health

RE: Authorization to Amend an Agreement with Robert Rothman, d/b/a Empirepro, to Provide Professional Services for the Westchester County Department of Health's Pharmacy Operations That Serve Its District Office Sexually Transmitted Disease (STD) and Tuberculosis (TB) Clinics, for the Period from January 1, 2021 through December 31, 2021, in order to increase the Amount Not-to-Exceed by **\$90,000** for a total revised Amount Not-To-Exceed **\$175,000**, for additional services to support the COVID-19 vaccination program, to be paid at the reimbursement rates as specified in Schedule "A"

By a Resolution approved on December 3, 2020 (the "December 3rd Resolution"), your Honorable Board authorized the County of Westchester, acting by and through its Department of Health ("WCDH"), to enter into an agreement (the "Agreement") with Robert Rothman, d/b/a Empirepro ("Robert Rothman"), to provide professional services for the WCDH's pharmacy operations which serve its District Office Sexually Transmitted Disease ("STD") and Tuberculosis ("TB") clinic programs, for the period from January 1, 2021 through December 31, 2021, in the not-to-exceed amount of \$85,000, to be paid at the reimbursement rates as specified in Schedule "A", attached to the December 3rd Resolution. This Agreement has been executed.

In early January 2021, initial shipments of COVID 19 vaccines were received at the WCDH Clinic Facility located at 134 Court Street, White Plains, NY.

During the initial phases of the vaccination program the White Plains District Office ("WPDO") Clinic administered 250- 500 doses of the vaccine / week ("vaccination program") to members of the public.

The WCDH Pharmacy is also located in the WPDO and normally only operates three days per week at limited hours. However, Robert Rothman and his professional staff have spent several additional hours supporting the vaccination program during all the days and hours that the Clinic operates. Such activities include, but are not limited to, careful and accurate inventory of COVID-19 vaccines, constituent products or ancillary supplies the WCDH has received, compliance with vaccine manufacturer instructions on cold chain management and CDC guidance in vaccine storage and handling to ensure vaccine shelf life (the "Services").

By late January, it was apparent that a larger facility would be required to meet the high demands for the vaccine. This resulted in the opening of a temporary site at the Westchester Community College ("WCC") in Valhalla. Since mid-February the WCC site has served as the primary vaccination site.

To date, the WCDH teams have administered over 30,000 doses of COVID vaccine products. It is projected that during the month of April, the WCDH team will be expected to administer 3500 doses of COVID vaccine each week through clinics operating 6 -7 days / week. The vaccination program has been operated in strict adherence with the Updated Guidance for the New York State COVID 19 Vaccination Program issued March 30, 2021.

In order to continue supporting the mass vaccination program the WCDH will need to have pharmacy support during all of the days that the program is in operation. Estimated needs for additional pharmacy support would be approximately 35 -40 hours / week depending on the clinic schedules for a week.

Robert Rothman and his staff have continued to demonstrate their ability to provide these additional Services supporting the vaccination program since the program has commenced.

Therefore, the WCDH is now requesting authorization to amend the existing contract in order to increase the amount not-to-exceed thereunder by \$90,000, for a total revised amount not-to-exceed of \$175,000 for the provision of additional Services, to be paid at the reimbursement rates as specified in Schedule "A", attached hereto, which will only be utilized to the extent needed. In addition, the Schedule "A" – Scope of Work, attached to the Agreement, will be revised to reflect the additional duties and responsibilities of managing and supporting the vaccination program.

The above additional Services are consistent with Robert Rothman's contractual duties to ensure that WCDH's pharmacy system continues to meet and comply with current NYSDOH and FDA regulatory requirements for managing careful and accurate inventory of COVID-19 vaccines, constituent products or ancillary supplies the WCDH has received, vaccine manufacturer instructions on cold chain management and CDC guidance in vaccine storage and handling to ensure vaccine shelf life.

This contract amendment will promote the public health and general welfare of County residents by providing the required additional supervision to ensure that the vaccination program is operating in strict adherence with the Updated Guidance for the New York State COVID 19 Vaccination Program.

The goals and objectives include, but are not limited to, careful and accurate inventory of COVID-19 vaccines, constituent products or ancillary supplies the WCDH has received, compliance with vaccine manufacturer instructions on cold chain management and CDC guidance in vaccine storage and handling to ensure vaccine shelf life (the "Services").

This program will be tracked and monitored by Robert Rothman, as lead Pharmacist, to ensure the tracking of all vaccine doses received and administered by the WCDH vaccine team at all dispensing locations, maintaining and archiving logs of patients receiving COVID vaccines administered under the supervision of WCDH, and supervising all other professional pharmacy staff and maintaining work schedules for same who will be assigned to provide onsite support at all vaccine sites.

It should be noted that the proposed Agreement 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. Accordingly, the procurement of the proposed Agreement is exempt from the ordinary County procurement rules pursuant to Section 3(a)(viii) of the Westchester County Procurement Policy.

Except as expressly amended herein, all other terms and conditions of the original contract will remain unchanged.

Approval of the attached resolution is respectfully requested.

Attachment(s)

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 agreement with Robert Rothman, d/b/a Empirepro (the "Agreement") to provide professional services for the WCDH's pharmacy operations for the period from January 1, 2021 through December 31, 2021, in order to increase the amount not-to-exceed thereunder by \$90,000, for a total revised amount not-to-exceed of \$175,000, for the provision of additional services to support the COVID-19 vaccination program, to be paid at the reimbursement rates as specified in Schedule "A", attached hereto; and, be it further
- RESOLVED, that the Schedule "A" Scope of Services, attached to the Agreement, be amended to reflect the additional duties and responsibilities of the management and oversight of the COVID-19 vaccination program; and, be it further
- RESOLVED, except as specifically amended herein, 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 \$85,000
 First Amendment \$
This Amendment \$ 90,000
 TOTAL \$175,000

Agreement # HLT21121337A

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub-Object	Trust Account	Dollars
	101	27	0010 - 5600 -HSSN	4998-02		\$ 90,000
Budget Funding Year(s) (must match resolution)	2021	Start Date	1/01/21	End Date	12/31/21	
Funding Source	Tax Dollars					
	State Aid	\$ 32,400	(36%)			
\$90,000	Federal Aid	\$ 57,600	(64%)			
(must match resolution)	Other					

APPROVED BOARD OF ACQUISITION & CONTRACT - 05/15/2021 - LISA MRIJAJ, SECRETARY

Schedule "A"

Contract Reimbursement Rates

Additional Licensed & Registered Pharmacists: \$95 per hour

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/15/2021 - LISA MRIJAJ, SECRETARY