

**84065**

**DATE:** April 6, 2021

**TO:** Board of Acquisition and Contract

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

**RE:** Authorization to amend an Agreement with the The Execu Search Group, LLC for the provision of Registered Nurses and Nurse Practitioners to be vaccinators for community flu clinics, to collect COVID test samples and test them, to serve as COVID case investigators, and to possibly administer COVID vaccines, for a term commencing upon execution and continuing for a period of one (1) year thereafter, in an amount not-to-exceed \$150,000, payable at rates not-to-exceed those specified in Execu Search's New York State Office of General Service's ("NYSOGS") Contract # PS67885, in order to increase the Amount Not-to-Exceed by **\$450,000** for a total revised Amount Not-To-Exceed **\$600,000**, for additional services to be paid at the reimbursement rates as specified in the contract

By a Resolution approved on November 19, 2020, Your Honorable Board authorized the County of Westchester (the "County") to enter into an agreement (the "Agreement") with The Execu Search Group, LLC ("Execu Search" or "Contractor"), pursuant to which Execu Search will provide the County's Department of Health ("WCDH") with Registered Nurses (RNs) and Nurse Practitioners ("NPs") to be vaccinators for community flu clinics, to collect COVID test samples and test them, to serve as COVID case investigators, and to possibly administer COVID vaccines (the "Services"), for a term commencing upon execution and continuing for a period of one (1) year thereafter, in an amount not-to-exceed \$150,000, payable at rates not-to-exceed those specified in Execu Search's New York State Office of General Service's ("NYSOGS") Contract # PS67885 (the "Agreement").

The County has been operating a COVID vaccination site at the SUNY Westchester Community College ("WCC") several days per week at various hours, in addition to providing vaccination support to community partner agencies. Under the terms of the agreement, and before the commencement of COVID vaccination PODs/Clinics, the Contractor's RNs and NPs have been vaccinators for community flu clinics, collecting COVID test samples and testing them, among performing other Services.

Since the WCC COVID Clinic will continue to operate and dispense COVID vaccinations to the public for the foreseeable future, the WCDH requires the Services of the Execu Search to assist with administering COVID vaccinations.

Therefore, the WCDH is requesting authorization to amend the agreement in order to increase the amount not-to-exceed by 450,000 for a total revised amount not-to-exceed \$600,000 for the provision of additional Services, payable at rates not-to-exceed those specified in Execu Search's New York State Office of General Service's ("NYSOGS") Contract # PS67885.

The proposed amended Agreement will serve a public purpose in protecting the public health of County residents by ensuring that as many County residents as possible are vaccinated for COVID as quickly as the vaccine supply chain has availability.

The goals and objectives of the proposed amended Agreement are to provide for additional RNs and NPs that the County does not have, to continue assisting with administering COVID vaccinations.

The goals and objectives of the proposed amended Agreement will be tracked and monitored by the staff of the WCDH.

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)(i) thereof based on the County's use of Execu Search's NYSOGS Contract # PS67885 as the basis for its procurement.

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

Accordingly, the attached resolution is submitted for your consideration.

SA/RR/DC/jpg  
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACTS 04/08/2021 10:11 AM  
CONFIDENTIAL - SECRETARY

## RESOLUTION

Upon a communication from the Commissioner of the Department of Health, be it hereby

**RESOLVED**, that the County of Westchester (the "County"), acting by and through its Department of Health, is hereby authorized to amend an agreement (the "Agreement") with the The Execu Search Group, LLC ("Execu Search") pursuant to which Execu Search will provide the County with Registered Nurses ("RNs") and Nurse Practitioners ("NPs") to be vaccinators for community flu clinics, to collect COVID test samples and test them, to serve as COVID case investigators, and to possibly administer COVID vaccines (the "Services"), for a term commencing upon execution and continuing for a period of one (1) year thereafter, in order to increase the amount not-to-exceed by \$450,000 for a total revised amount not-to-exceed \$600,000 for the provision of additional Services; and be it further

**RESOLVED**, that in consideration for providing the RNs and NPs to provide the additional Services, the County will pay Execu Search a total revised aggregate amount not-to-exceed \$600,000, at rates not-to-exceed those specified in Execu Search's NY SOGS Contract # PS67885; and, be it further

**RESOLVED**, that 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 the New York State Budget ("State Budget") proposed and adopted during the term of the agreement. The agreement shall contain a provision that 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 the 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 State Budget on County finances. After such analysis, the County shall retain the right to either terminate the agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to WCHCC, then WCHCC shall have the right to terminate the 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 and deliver any and all documents and to take all action necessary and appropriate to effectuate the purposes hereof.

Original Agreement      \$150,000  
 First Amendment        \$  
 Second Amendment      \$  
**This Amendment**      **\$450,000**  


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 TOTAL                      \$600,000

Agreement #HLT20121199A

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub-Object	Trust Account	Dollars
	101	27	0010-5600	4998-02		\$450,000

Budget Funding Year(s) (must match resolution) 2021 Start Date Upon execution End Date To a Period One (1) year thereafter

Funding Source	Tax Dollars	_____
	State Aid	<u>\$162,000</u>
<b>\$450,000</b>	Federal Aid	<u>\$288,000</u>
(must match resolution)	Other	_____

APPROVED BOARD OF ACQUISITION & CONTRACTS 04/08/2021 - LISA MRIJAJ, SECRETARY