

84233

DATE: April 13, 2021

TO: Board of Acquisition and Contract

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

RE: Request Authority to enter into a Third Contract Amendment with the New York State Department of Health for the Pre Exposure Prophylaxis Initiative Grant to extend the contract period from October 1, 2020 through September 30, 2022 and accept additional funding in the amount not-to-exceed \$600,000, pursuant to an approved budget, for a revised total amount not-to-exceed \$1,843,000, and to authorize the County of Westchester to defend and indemnify the New York State Department of Health pursuant to the agreement as written below

On December 11, 2014, your Honorable Board approved a Resolution (the "December 11, 2014 Resolution") authorizing the County of Westchester ("County"), acting by and through its Department of Health (the "WCDH"), to enter into an agreement with the New York State Department of Health (the "NYSDOH") to accept funding for the Pre Exposure Prophylaxis Initiative Grant for the contract period 10/1/14 – 3/31/15, in the amount not-to-exceed \$44,000, pursuant to an approved budget. The contract for this period was never sent and subsequent to the approval of this Resolution, the NYSDOH sent notification of an extended period with additional funding.

Therefore, on February 26, 2015, the December 11, 2014 Resolution (the "February 26, 2015 Resolution") was amended by your Honorable Board which authorized the County to enter into an agreement with the NYSDOH for the Pre Exposure Prophylaxis Initiative Grant ("PReP"), which extended the original period through 3/31/19 and added additional funding in the amount not-to-exceed amount \$176,000, pursuant to an approved budget, for a revised total amount not-to-exceed \$220,000. This contract has been executed.

Subsequent to the execution of this contract, the WCDH received further notification from the NYSDOH that a contract amendment would be sent to further increase the funding amount. Therefore, on April 14, 2016, your Honorable Board approved a Resolution which authorized the WCDH to enter into a contract amendment to increase the funding amount by \$528,000 to the new amount not-to-exceed of \$748,000, pursuant to an approved budget. This contract amendment has been executed.

On July 11, 2019, your Honorable Board approved a Resolution (the "July 11, 2019 Resolution") authorizing the WCDH to enter into another contract amendment further extending the term from April 1, 2019 through September 30, 2020 and including additional funding in the amount of \$495,000 for a total revised amount not-to-exceed \$1,243,000, pursuant to an approved budget. This amendment has been executed.

To this end, the WCDH has since received further notification from the NYSDOH that the current agreement as amended would again be extended to allow NYS to develop and release a new Request for Application (RFA). The extension will continue from October 1, 2020 through September 30, 2022 and include additional funding in the amount not-to-exceed \$600,000. Part of this additional funding will support the expansion of PReP services.

Therefore, authority is requested from your Honorable Board to enter into a third contract amendment to extend the contract period from October 1, 2020 through September 30, 2022 and accept the additional funding in the amount not-to-exceed \$600,000 for a total revised amount not-to-exceed \$1,843,000, and to authorize the County to defend and indemnify the New York State Department of Health pursuant to the agreement as written below.

The amendment requires the County to indemnify the New York State Department of Health as follows:

“The Contractor shall be solely responsible and answerable in damages for any and all accidents and/or injuries to persons (including death) or property arising out of or related to the services to be rendered by the Contractor or its subcontractors pursuant to this Master Contract. The Contractor shall indemnify and hold harmless the State and its officers and employees from claims, suits, actions, damages and cost of every nature arising out of the provision of services pursuant to the Master Contract.”

This contract amendment will promote the public health and general welfare of County residents by preventing high risk individuals from becoming infected with HIV. The initiative will advance access to PReP by providing access to PReP medical providers and anti-retroviral medication to be prescribed.

The goals and objectives of this program are to promote community buy-in and support for PReP therapy use; increase understanding of how to identify and engage patients/clients about PReP; build a referral directory of PReP service providers; and make appropriate referrals to service agencies and medical providers. Part of this additional funding will make possible the offering of HIV services with a “status neutral” approach, expedited partner therapy for chlamydia, and emergency contraception among other services.

This program will be monitored by tracking the number of high-risk individuals identified as candidates and referred for PReP therapy as well as monthly reviews of all program activities, and more frequent progress reports to include monthly group phone calls with NYS AIDS Institute staff. This information will also be reported electronically to the New York State Department of Health.

I certify that my department, a.) has copies of, or access to, all applicable laws, rules, regulations, grant applications, and grant agreements (including any master grant agreement), as well as any guidance or instructions received from the agency making the grant (the “Grant Terms”), b.) has reviewed the Grant Terms, c.) is aware of and understands all of the Grant Terms, and d.) can and will comply with all of the Grant Terms.

All other terms and conditions of the original contract as amended shall remain unchanged.

Approval of the attached resolution is respectfully requested.

SA/dc
Attachment

RESOLUTION

UPON A COMMUNICATION FROM THE COMMISSIONER OF HEALTH, be it hereby

RESOLVED, that the County of Westchester ("County"), acting by and through its Department of Health, is authorized to enter into a third contract amendment with the New York State Department of Health to extend the contract period from October 1, 2020 through September 30, 2022 and accept additional funding in the amount not-to-exceed \$600,000, pursuant to an approved budget, for a revised total amount not-to-exceed \$1,843,000, pursuant to an approved budget, for the Pre Exposure Prophylaxis Initiative Grant; and, be it further

RESOLVED, that the agreement requires the County to indemnify the New York State Department of Health as follows:

"That the Contractor shall be solely responsible and answerable in damages for any and all accidents and/or injuries to persons (including death) or property arising out of or related to the services to be rendered by the Contractor or its subcontractors pursuant to this Master Contract. The Contractor shall indemnify and hold harmless the State and its officers and employees from claims, suits, actions, damages and cost of every nature arising out of the provision of services pursuant to the Master Contract"; and, be it further

RESOLVED, that all other terms and conditions of the original contract as amended shall remain unchanged; 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	\$220,000
First Amendment	\$528,000
Second Amendment	\$495,000
This Amendment	<u>\$600,000</u>
 TOTAL	 \$ 1,843,000

Agreement #

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub-Object	Trust Account	Dollars
263	27	546V	9854	T546	\$150,000
263	27	546W	9854	T546	\$450,000

Budget Funding Year(s)

(must match resolution) 2020 -2022 Start Date 10/01/20 End Date 09/30/22

Funding Source

Tax Dollars

State Aid

Federal Aid

Other

NYSDOH Grant

\$600,000

(must match resolution)

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/22/2021 - LISA MURRAY, SECRETARY