

TO: The Board of Acquisition and Contract

FROM: Cheryl Archbald, MD MPH
Acting Commissioner of Health

DATE: April 8, 2010

RE: Authority – pursuant to Part A of the Federal Ryan White HIV/AIDS Treatment Extension Act – to amend a resolution to increase the not-to-exceed contract amounts for various health and supportive care agencies for the budget period 3/1/10 – 2/28/11 and to fund an additional agency for a three month term

Contract Period: 3/1/10 – 2/28/11

Amount: \$253,848

On July 10, 1991, the Board of Legislators authorized the County of Westchester, acting by and through its Department of Health, to participate in the Ryan White CARE Act of 1990 on an ongoing basis by entering into intergovernmental agreements with the City of New York and the Counties of Rockland and Putnam.

For purposes of Title I (now “Part A”) of the CARE Act, the Federal Health Services & Resources Administration had determined that the City of New York and the Counties of Westchester, Rockland and Putnam together (the “Tri-County region”) comprised an eligible metropolitan area and, therefore, qualifies for financial support from the program. Since 1991 the City of New York and the Westchester County Department of Health have entered into contract under the CARE Act – and subsequently under the present-day reauthorized Ryan White HIV/AIDS Treatment Extension Act of 2009 – to fund HIV-related outpatient health and support services for residents in the Tri-County region through 2/28/14 (the “Agreement”) as authorized on November 26, 2008. The Agreement covers six (6) budget periods each at a not-to-exceed amount of \$6,500,000 for a total not-to-exceed contract amount of \$39,000,000.

On January 21, 2010, a resolution (the “January 21st Resolution”) was approved to accept funding from the City of New York not-to-exceed \$6,500,000 for the budget period 3/1/10 – 2/28/11, and to enter into contracts for direct service provision for the same period in a total amount not to exceed \$4,334,411 for various agencies, with authorization to enter into direct service contracts for the remaining balance of \$1,515,589 at a later date.

On April 1, 2010, the Department of Health, having anticipated a decrease in federal funding for the 3/1/10 – 2/28/11 budget year, received notice from the Health Resources and Services Administration that the annual award was instead increased. With an expected decrease, not-to-exceed contract amounts approved for agencies in the January 21st Resolution were short-funded. With the additional federal award, the Department now requests that:

- **Ryan White agencies receive a 3% Cost of Living Adjustment (COLA) totaling a not-to-exceed amount of \$69,569 (see Resolution for agency list).** Every other year for the past decade, programs meeting certain Departmental criteria received a COLA. A COLA was due in the current budget year for such programs, but was not included in the January 21st Resolution.
- **The not-to-exceed contract amount for Open Door Family Medical Centers, Inc. (ODFMC) be increased by \$50,000, from \$100,000 to \$150,000,** to bring it into line with the budgets of other comparable programs. Since 2008 the agency's medical case management program, which has seen satisfactory performance, has been underfunded at an annual amount of \$100,000, while similar programs have been operating at a minimum of \$150,000. Up until this year the Department has not had enough funding to raise the budget to a more appropriate level, and ODFMC has been providing the balance of the costs of the program since 2008 using in-kind funds.
- **The not-to-exceed contract amount for Mid-Hudson Valley AIDS Task Force, Inc. d/b/a AIDS Related Community Services, together with a COLA, be increased by another \$89,279 for transportation services, from \$741,664 to \$836,193.** The agency's transportation program has historically been underfunded at the beginning of the year in anticipation of accrued savings, if available from other Ryan White programs, which are used later to enhance the contract. The approved budget for transportation represents eight months for the cost of rides for clients to medical appointments; the additional \$89,279 will make the budget whole.

In addition to the agencies authorized for contracts in the January 21st Resolution, the Department of Health requests that:

- **The Lord's Pantry, Inc. (TLP) be awarded a contract for \$45,000 for the period 3/1/10 – 5/31/10** to provide support for transitioning clients to other Ryan White food programs. TLP had been a long-funded Ryan White provider, but a new procurement for the food services category was completed last year and, as a result, the agency was not selected; however, in the interim, until the newly selected food programs are fully up and running, TLP will continue to provide home-delivered meals until they can transfer clients permanently to the other programs. Initially, the Department planned to award a short form contract to TLP for \$20,000 but since additional federal funding has been made available, the Department has increased the contract amount to \$45,000 to ensure an orderly transition. The short form contract was not fully executed.

These agency contracts are exempt from Section 3(a)(viii) of the Procurement Policy relating to "contracts for medical or health-related services," and Section 3(a)(xiv) relating to procurement "for the purpose of entering into a contract or contracts with not-for-profit organizations for the purposes of providing aid, care and support to persons in need of public assistance."

Public Purpose: The value and importance of the goals and objectives of the services to be provided are in the best interest of the County as these services benefit the public health of the citizens of Westchester. The goals of the Ryan White-funded services are 1) to promote the health of uninsured and underinsured Tri-County residents living with HIV/AIDS thereby minimizing avoidable opportunistic illnesses and costly hospitalizations, and 2) to stem the further spread of the HIV epidemic across the region. The goals will be met through the following three objectives: a) identifying those already infected with HIV through outreach and counseling and testing; b) linking them to primary care and pharmaceuticals to suppress HIV viral load and boost immune function; and c) providing supportive services to help patients maintain medical appointments and treatment regimens. These goals and objectives will continue to be measured via an ongoing quality management initiative that is jointly funded, implemented and monitored by the NYC, NYS and Westchester County Departments of Health.

Were these contracts not funded, the Tri-County region would likely see the proliferation of HIV infection, an increase in HIV-related morbidities, more unreimbursed inpatient stays, and a rise in mortalities.

Approval of the attached resolution is respectfully requested.

Enc.

APPROVED BOARD OF ACQUISITION & CONTRACT - 4-22-2010 - JOMARY VIEIRA, SECRETARY

RESOLUTION

Upon a communication from Acting Commissioner of Health, be it hereby

RESOLVED, that the County of Westchester, acting by and through its Department of Health is authorized to amend the January 21st Resolution to increase the not-to-exceed contract amounts of federally funded Ryan White Part A agencies for the budget period 3/1/10 – 2/28/11 by a total of \$69,569 in order for each agency listed below to receive a Cost of Living Adjustment; that the not-to-exceed contract amount for Open Door Family Medical Centers, Inc. be increased by \$50,000 for medical case management services, from \$100,000 to \$150,000; that the not-to-exceed contract amount for Mid-Hudson Valley AIDS Task Force, Inc. d/b/a AIDS Related Community Services, in addition to a COLA, be increased by \$89,279 for transportation services, from \$741,664 to \$836,193; with all contract increases pursuant to approved budgets; and be it further

RESOLVED that The Lord's Pantry, Inc. be awarded a contract for food services in the amount of \$45,000 for the budget period 3/1/10 – 5/31/10 pursuant to an approved budget; 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.

Agency	Authorized by the January 21 st Resolution	COLA Increase	Enhanced Services	New Not-to-Exceed Amount
Family Services of Westchester, Inc.	\$380,187	\$11,406		\$391,593
Greyston Health Services, Inc.	150,000	4,500		154,500
Hudson River HealthCare, Inc.	150,000	4,500		154,500
Legal Aid Society of Rockland County, Inc.	82,000	2,460		84,460
Legal Services of the Hudson Valley	97,598	2,928		100,526
Mid-Hudson Valley AIDS Task Force, Inc. d/b/a AIDS Related Community Services	741,664	5,250	89,279	836,193
Open Door Family Medical Centers, Inc.	100,000		50,000	150,000
Rockland County Department of Health	443,860	10,052		453,912
Sound Shore Medical Center of Westchester	150,000	4,500		154,500
St. John's Riverside Hospital	174,102	5,223		179,325
The Lord's Pantry, Inc.	0		45,000	45,000
The Mount Vernon Hospital	150,000	4,500		154,500
The Sharing Community, Inc.	400,000	4,500		404,500
TOUCH – Together Our Unity Can Heal, Inc.	400,000	4,500		404,500
Volunteers of America – Greater New York, Inc.	175,000	5,250		180,250
Total		\$69,569	\$184,279	

County of Westchester
April 8, 2010

Account to be
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars
263	27	027K	4380	T027	\$253,848

Budget Funding Year(s) 2010-2011 Start Date 3/1/10 End Date 2/28/11

Funding Source Tax Dollars _____
State Aid _____
\$253,848 Federal Aid 100% pass-through
Other _____

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