

93499

DATE: July 28, 2022

TO: The Honorable Board of Acquisition and Contract

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

Re: Authority to amend a Memorandum of Agreement with Pace University, pursuant to which Pace University will participate as a coalition partner in a COVID-19 - related health promotion program, specifically for incarcerated residents, for the period commencing upon execution and continuing through June 30, 2023, to increase the amount not-to-exceed by \$8,990 to a revised amount not to exceed \$88,690, payable pursuant to an approved budget, and to change the commencement date from upon execution to retroactive to October 14, 2021.

By resolution approved on October 14, 2021 (the "October 14 2021 Resolution") your Honorable Board authorized the County of Westchester (the "County"), acting by and through its Department of Health (the "Department"), to enter into a Memorandum of Agreement ("MOA") with Pace University ("Pace"), pursuant to which Pace would participate as a coalition partner in a COVID-19 - related health promotion program, specifically for incarcerated residents, for the period commencing upon execution and continuing through June 30, 2023, for a total amount not-to-exceed \$79,700 payable pursuant to an approved budget (the "MOA"). The MOA was executed effective February 1, 2022, which was the commencement date.

It has come to the attention of the County that there was a misunderstanding between Pace and the County as to when Pace could begin to provide services. Pace began to provide services on the date the Resolution was approved, instead of "upon execution". Therefore, in order to reimburse Pace for the services it provided in good faith commencing October 14, 2021, the County hereby seeks authorization to amend the MOA to change the commencement date of the MOA from upon execution (February 1, 2022) to retroactive to October 14, 2021. In addition, the increase in the amount not-to-exceed of \$8,990 is to correct the personnel services line in the budget as there was a miscalculation in the salary rate.

The MOA will serve a public purpose by reducing racial and ethnic health disparities related to COVID-19 in Westchester County, with emphasis on DOC staff and incarcerated residents.

The goals and objectives of the MOA are to design and implement a health promotion program for DOC staff and incarcerated residents who are a defined population subset of vulnerable, isolated and disenfranchised persons.

The goals and objectives will be tracked and monitored by the Department by meeting with Pace after collection of completed surveys and consents from the Department of Corrections, review surveys of participants in the health literacy programs to determine the COVID-19 vaccine uptake, and conducting evaluations throughout the program to make quality improvements in the health literacy program.

The MOA is exempt from the Westchester County Procurement Policy (the "Policy") pursuant to Section 3(a) ix thereof which exempts contracts with educational professionals. In addition, since these services are funded with Federal grant monies, they are also subject to Federal procurement requirements. Pace is the only local educational institution that possesses the unique expertise to participate in and provide the requirements to co-develop a health literacy and education program for this population subset, along with an established and ongoing partnership with the DOC. Therefore, this MOA is considered a non-competitive procurement under the Federal procurement regulations (2 CFR§ 200.320). The Department believes that since Pace is the only educational institution in the area that meets the Grant requirements of being both a community based and uniquely qualified institution to serve the incarcerated population and staff subset, it is exempt from the Federal procurement rules pursuant to 2 CFR§ 200.320(c)(2), which exempts contracts that are only available from a single source.

Therefore, authorization is sought from your Honorable Board to amend the MOA in order to increase the amount not-to-exceed by \$8,990 to a revised total amount not to exceed \$88,690, payable pursuant to an approved budget, and to change the commencement date from upon execution (February 1, 2022) to retroactive to October 14, 2021.

Except for the amendments set forth above, all other terms and conditions of the MOA shall remain in full force and effect.

Accordingly, authority is respectfully requested from your Honorable Board to approve the attached Resolution.

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Attachment

RESOLUTION

Upon a communication from the Commissioner of Health, it is hereby

RESOLVED, Amend a Memorandum of Agreement (“MOA”) dated February 1, 2022 with Pace University, pursuant to which Pace University will participate as a coalition partner in a COVID-19 - related health promotion program to provide community-based participatory approaches to reducing COVID-19 disparities and increasing patient health literacy in Westchester County, specifically for incarcerated residents, for the period commencing upon execution and continuing through June 30, 2023, for a total amount not-to-exceed \$79,700 payable pursuant to an approved budget, in order to increase the amount not-to-exceed by \$8,990 to a revised amount not to exceed \$88,690, payable pursuant to an approved budget, and to change the commencement date from upon execution to retroactive to October 14, 2021; and, be it further

RESOLVED, that except as amended herein, all other terms and conditions of the MOA shall remain in full force and effect; and, be it further

RESOLVED, that the County Executive or his duly authorized designee is authorized and empowered to execute and deliver all instruments and take all actions necessary or appropriate to effectuate the purposes hereof.

Original Agreement:	\$79,700
First Amendment:	\$
Second Amendment:	\$
This Amendment:	<u>\$ 8,990</u>
Total:	\$88,690

Agreement # HLT21124746

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub-Object	Trust Account	Dollars
	263	27	W039	4380	G039	\$7,658
	263	27	X039	4380	G039	\$1,332

Budget Funding Year(s) (must match resolution)	<u>2021-2023</u>	Start Date	<u>10/14/21</u>	End Date	<u>06/30/23</u>
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Funding Source	Tax Dollars	
	State Aid	
<u>\$8,990</u>	Federal Aid	<u>Federal Direct – US Dept of Health & Human Svcs</u>
(must match resolution)	Other	

APPROVED BOARD OF ACQUISITION & CONTRACT - 08/11/2022 - RAYMOND SCULKY, SECRETARY