

109926

Date: November 7, 2024

To: Honorable Board of Acquisition and Contract

From: Leonard G. Townes, Commissioner
Department of Social Services

RE: Authority to enter into an agreement with Laboratory Corporation of America Holdings to provide genetic marker test services and supportive testimony as ordered by the Family Court in disputed paternity proceedings for a total amount not-to-exceed \$15,000 to be paid on a monthly basis pursuant to an approved budget and subject to appropriation, at a per person tested rate, which also includes the cost of expert witness testimony for the term January 1, 2025 through December 31, 2025

Authority is requested for the County of Westchester to enter into an agreement (DSS7001-25) with Laboratory Corporation of America Holdings ("LabCorp") to provide genetic marker test services and supportive testimony as ordered by the Family Court in dispute paternity proceedings for the term of January 1, 2025 through December 31, 2025 for an amount not to exceed \$15,000 to be paid pursuant to an approved budget and subject to appropriation on a per test basis at the rate of:

\$42.00 per person tested (includes the cost of expert witness testimony)
Using LabCorp Patient Service Centers for collections within Westchester County

\$55.00 per person tested (includes the cost of expert witness testimony)
If collections are required at the Family Courthouses within Westchester County

Under the Family Court Act of the State of New York, the alleged father in a paternity proceeding has the right to request a genetic marker test to determine whether or not he can be excluded as the father of a child. The Office of Child Support Enforcement makes every effort to recoup the cost of these tests. However,

if the court finds the alleged father indigent, and the child is then, or is likely to be, in receipt of public assistance, the court may direct the Department to pay for the test.

The proposed agreement would provide for the performance of Deoxyribonucleic Acid ("DNA") tests, which produce probabilities of paternity of 99% or greater. In addition, the agreement requires that LabCorp be prepared and available to provide expert witness testimony should the need arise.

The services to be provided pursuant to the proposed agreement will serve a public purpose by assisting the County of Westchester to ensure the safety and welfare of those children whose paternity is in dispute as the tests conducted pursuant to this agreement would establish the paternity and provide for the child's support once the paternity is established and thus help in promoting the economic security and wellbeing of the family.

The goals and objectives of this program are to help IV-D customers (clients involved in paternity proceedings pursuant to the Family Court Act of the State of New York) obtain and retain financial security and achieve self-sufficiency, thereby eliminating the need for temporary assistance.

The goals and objectives as stated above are in the best interests of the County in terms of fiscal responsibility as they assist in reducing the tax dollars spent on public assistance to the targeted population by making the fathers pay for the support of the children and families. Through the tests conducted pursuant to this program, the paternity is established and the alleged father is ordered by Court to pay for the child's support, thus shifting the responsibility of providing assistance to these families and children from County government to private individuals.

The goals and objectives of this contract will be tracked and monitored by the Department using the established DSS Performance Measurement Indicators, as well as the Child Support Management System measurement indicators established by the State and GenLink Internet Access.

This agreement is exempt from the Westchester County Procurement Policy pursuant to Section 3(a)viii which exempts procurements for contracts for medical or health-related services. Nevertheless, for the 2025 program year, the Department requested written price quotes from 7 genetic testing laboratories approved by the New York State Office of Disability and Temporary Assistance (see attached). Laboratory Corporation of America Holdings, the current provider of such services to the Department and the only lab that responded to the County's solicitation submitted a price quote as stated above for the 2025 service year. In addition to its competitive price, LabCorp was selected due to its proven ability to provide services that are flexible and reliable to the Department. They also have provided software and technical support to obtain testing results online at no additional cost to the County.

Accordingly, the County of Westchester is hereby requesting permission to enter into an agreement with Laboratory Corporation of America Holdings for the aforesaid purpose.

A resolution requesting the same is attached for your Honorable Board's approval.

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/05/2024 - RAYMOND SCULKY, SECRETARY

RESOLUTION

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

RESOLVED, that the County of Westchester is authorized to enter into an agreement (DSS7001-25) with Laboratory Corporation of America Holdings ("LabCorp") to provide genetic marker test services and supportive testimony as ordered by the Family Court in disputed paternity proceedings for the term from January 1, 2025 through December 31, 2025 (the "Agreement") for a total amount not-to-exceed \$15,000 to be paid pursuant to an approved budget and subject to appropriation on a per test basis at the rate of:

\$42.00 per person tested (includes the cost of expert witness testimony)
Using LabCorp Patient Service Centers for collections within Westchester County

\$55.00 per person tested (includes the cost of expert witness testimony)
If collections are required at the Family Courthouses within Westchester County; 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 representative is hereby authorized to execute all documents and to take all actions, necessary and appropriate, to effectuate the purposes hereof.

1. Account to be Charged/Credited:

Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars
101	22	8000:8110	4420:09		\$15,000

2. Budget Funding Year(s): 2025

Start Date: January 1, 2025 End Date: December 31, 2025
(must match resolution)

3. Funding Source:

Federal	35.82%	CFDA#(s)			
State	22.22%	State ID#(s)			
Operating/ Tax Levy	41.96%				
Capital					

4. Total NTE: \$15,000

(must match resolution)

APPROVED BOARD OF ACQUISITION & CAPITAL
12/05/2024 - RAYMOND SCULKY, SECRETARY

GENETIC MARKER TESTING PRICE QUOTES

The following 7 New York State approved laboratories were contacted and failed to submit a quote:

1. Advanced Immigration Genetics
2. DNA Diagnostics Center
3. DNA Solutions, Inc.
4. Gene by Gene DBA DNA Findings
5. Independent Forensics of Illinois
6. Sorenson Forensics LLC DBA Genetic Technologies
7. Theranostix Inc.

Laboratory Corporation of America Holdings (Labcorp)

Quote from current vendor for the 2025 contract year:

\$42.00 per person tested (Intrastate/Interstate) using LabCorp Patient Service Centers for collections within Westchester County and includes the cost of expert witness testimony.

\$55.00 per person tested (Intrastate/Interstate), if collections are required at the Family Courthouses within Westchester County and includes the cost of expert witness testimony.

Laboratory Corporation of America Holdings (Labcorp) has provided reliable and efficient genetic testing services to the Westchester County, Office of Child Support Services ("OCSS"), for over twenty-four (24) years. Labcorp operates one Patient Service Center within Westchester County, 171 company-operated Patient Service Centers in New York State, 1,900 Patient Service Centers nationwide, and over 13,000 collection sites in total. Additionally, the laboratory employs 1,540 individuals in New York State, and generally operates multiple work shifts seven days to meet contractual timeframes for genetic parentage testing. Labcorp also provides, at no additional charge, an electronic result reporting feature to access final Genetic Marker Testing (GMT) results. In considering these factors, OCSS has selected Labcorp to provide genetic parentage testing services for the 2025 contract year.