

102756

TO: Board of Acquisition and Contract

FROM: Aleksandar Milovanovic, M.D.
Pathologist / Deputy Medical Examiner
Department of Labs & Research

DATE: August 8, 2023

RE: Resolution authorizing the County of Westchester to enter into an agreement with the County of Rockland, pursuant to which the County of Westchester will provide tuberculosis and infectious disease testing services, for a term commencing retroactive to January 1, 2023 and terminating on December 31, 2023, for an amount not to exceed \$10,000, payable at approved rates.

The attached resolution, if approved by your Honorable Board, would authorize the County of Westchester (the "County"), acting by and through its Department of Laboratories and Research (the "Department"), to enter into an agreement (the "Agreement") with Rockland County ("County of Rockland"), for the County's provision of tuberculosis and infectious disease testing services to the County of Rockland. The term of the Agreement will commence retroactive to January 1, 2023 and will terminate on December 31, 2023. In consideration for services rendered, the County of Rockland will pay the County at the rates set forth in the County's fee schedule, not to exceed the sum of \$10,000.00.

The County of Rockland does not have the capability to perform tuberculosis and infectious disease testing and has requested that the County perform these testing services on behalf of and for the benefit of the County of Rockland for the protection of the general public.

It should be noted that this Agreement would normally fall within the County's Short Form approval authority. However, because the Agreement contains an indemnification and defense provision, the approval of your Honorable Board is required. Accordingly, the County is hereby authorized to agree to the following language, or language substantially similar, to be included in the Agreement:

"The parties agree to defend, indemnify and hold harmless each other, their respective officers, employees and agents from and against all claims, actions and suits and will defend each other and their respective officers, employees and agents at the indemnifying party's own cost in any suit, action or claim including appeals for personal injury to or death of any person or loss or damage to property directly caused by the negligent acts or omissions of the indemnifying party to the fullest extent permitted by law."

The goals and objectives of this Agreement are to protect the public at large by providing testing for tuberculosis and other infectious diseases.

The Agreement shall serve a public purpose by preventing the spread of illness between the County and the County of Rockland by providing testing, diagnosis and treatment for tuberculosis and other infectious diseases.

The action requested herein is not a procurement and therefore the County Procurement Policy does not apply.

It should be noted that because the Department has established uniform rates for providing tuberculosis and infectious disease testing services, and because the contract provides revenue to the County, we have determined that our relationship with the County of Rockland is a strictly "arms-length" commercial relationship whereby we are charging them the same rates as we would charge any other customer who pays for such services. As such, the need for BOL approval in accordance with N.Y. General Municipal Law section 119-o is not appropriate.

Since the County is able to perform these testing services which the County of Rockland is unable to provide, and in order to protect the health and welfare of the public at large, I most respectfully request that your Honorable Board approve the attached proposed Resolution.

AM/DAB/jpg
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 08/31/2013 JOAN COOPER, SECRETARY

RESOLUTION

Upon a communication from the Medical Examiner/Pathologist, be it hereby

RESOLVED, that the County of Westchester (the "County"), acting by and through its Department of Laboratories and Research (the "Department"), is authorized to enter into an agreement ("Agreement") with the County of Rockland ("Rockland County"), pursuant to which the County shall provide tuberculosis and other infectious disease testing to Rockland County, for a term commencing retroactive to January 1, 2023 and terminating on December 31, 2023, for an amount not to exceed \$10,000.00, to be paid by Rockland County to the County pursuant to the County's set fee schedule; and be it further

RESOLVED, that the County is hereby further authorized to agree to the following indemnification and defense provision, or language substantially similar, which shall be set forth in the Agreement:

"The parties agree to defend, indemnify and hold harmless each other, their respective officers, employees and agents from and against all claims, actions and suits and will defend each other and their respective officers, employees and agents at the indemnifying party's own cost in any suit, action or claim including appeals for personal injury to or death of any person or loss or damage to property directly caused by the negligent acts or omissions of the indemnifying party to the fullest extent permitted by law."

and be it further

RESOLVED, that the County Executive or his authorized designee is hereby authorized and empowered to execute any and all documents necessary and appropriate to effectuate the purposes hereof.

Account to be
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars
101	31	0010-4200	9067		\$ 10,000

Budget Funding Year(s) 2023 Start Date 1/1/2023 End Date 12/31/2023
(must match resolution)

Funding Source

\$10,000
(must match resolution)

Tax Dollars _____
State Aid _____
Federal Aid _____
Other \$10,000 (Revenue) _____