

110941

TO: Board of Acquisition and Contract

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

DATE: March 26, 2025

RE: Resolution authorizing the County of Westchester to retroactively amend an agreement with the County of Rockland, pursuant to which the County of Westchester agreed to provide tuberculosis and infectious disease testing services, for a term commencing on January 1, 2024 and terminating on December 31, 2024, for an amount not to exceed \$15,000, payable at approved rates, in order to increase the not-to-exceed amount by \$6,247 to an amount not-to-exceed \$21,247.

By resolution approved on June 20, 2024, your Honorable Board, authorized 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, for a term commencing on January 1, 2024 and terminating on December 31, 2024, for an amount not to exceed the sum of \$15,000.00, payable at the rates set forth in the County's fee schedule. The Agreement was subsequently executed.

Due to a higher than expected volume of testing requests in 2024, the amount billed by the County has exceeded the not-to-exceed cap under the Agreement by \$6,247. In order for the County to receive payment of the overage, it will be necessary to retroactively amend the Agreement to increase the amount not-to-exceed from \$15,000 to \$21,247.

Accordingly, authority is respectfully requested to retroactively amend the Agreement with the County of Rockland, pursuant to which the County, through the Department, agreed to provide tuberculosis and infectious disease testing services for a term commencing on January 1, 2024 and terminating on December 31, 2024, for an amount not to exceed \$15,000.00, payable at the rates set forth in the County's fee schedule, in order to increase the amount not-to-exceed thereunder from \$15,000 to \$21,247.

Except as otherwise specifically amended hereby, all other terms and conditions of the Agreement shall remain in full force and effect upon the parties.

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.

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.

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/DD/jpg
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/24/2025 - RAYMOND SCULLY, 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 retroactively amend an agreement ("Agreement") with the County of Rockland ("Rockland County"), pursuant to which the County agreed to provide tuberculosis and other infectious disease testing to Rockland County, for a term commencing on January 1, 2024 and terminating on December 31, 2024, for an amount not to exceed \$15,000.00, to be paid by Rockland County to the County pursuant to the County's set fee schedule, in order to increase the amount not-to-exceed thereunder from \$15,000 to \$21,247; and be it further

RESOLVED, that except as otherwise specifically amended hereby, all other terms and conditions of the Agreement shall remain in full force and effect upon the parties; 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		\$ 6,247

Budget Funding Year(s) 2024 Start Date 1/1/2024 End Date 12/31/2024
(must match resolution)

Funding Source Tax Dollars _____
State Aid _____
\$6,247
(must match resolution) Federal Aid _____
Other \$6,247 (Revenue) _____