

93227

DATE: May 11, 2022

TO: Honorable Members of the Board of Acquisition and Contract

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

SUBJECT: Authorization to further amend an agreement with Mount Sinai Hospital, as previously amended, pursuant to which Mount Sinai Hospital agreed to perform COVID-19 screening testing services for students, teachers and staff in public and private schools in grades kindergarten through grades 12 for a renewal term to commence on January 1, 2022 and terminate on July 31, 2022, in order to amend the commencement date of the second amendment to the agreement from upon execution to April 7, 2022.

By resolution approved on August 19, 2021 (the "August 19th Resolution"), your Honorable Board authorized the County of Westchester (the "County"), acting by and through its Department of Health, to enter into an agreement with Mount Sinai Health Systems, Inc. for COVID-19 screening testing services of students, teachers and staff in public and private schools in grades kindergarten through grades 12 for a term to commence upon execution and terminate on December 31, 2021 at the rates set forth in the August 19th Resolution for an amount not to exceed in the aggregate of \$13,430,697.00, when combined with the agreements with Mirimus, Inc. and Quadrant Biosciences, Inc., with the County having the option to renew the agreement for an additional seven (7) month period from January 1, 2022 to July 31, 2022.

Thereafter, by a resolution approved on September 30, 2021, your Honorable Board approved amending the August 19th Resolution to change the name of Mount Sinai Health Systems, Inc. to Mount Sinai Hospital ("Mount Sinai").

Subsequent to the approval of the above resolutions, the County and Mount Sinai entered into the duly authorized agreement, dated October 14, 2021 (the "Initial Agreement").

Thereafter, by a resolution approved on December 23, 2021, your Honorable Board authorized the County to exercise its option to renew the term of the Initial Agreement to commence on January 1, 2022 and terminate on July 31, 2022 and amend the rate at which Mount Sinai would be paid (the "First Amendment"). The County and Mount Sinai entered into the First Amendment on January 10, 2022.

Thereafter, by a resolution approved on April 7, 2021, your Honorable Board authorized the County to further amend the Agreement with Mount Sinai to increase the rate at which Mount Sinai would be paid and decrease the rolling daily average number of COVID-19 screening test samples actually collected and tested pursuant to which the Mount Sinai has the right to trigger a thirty (30) day renegotiation period (the "Second Amendment"). The County and Mount Sinai entered into the Second Amendment on April 22, 2022.

The Initial Agreement, First Amendment and Second Amendment are collectively referred to as the "Agreement."

Authorization is now sought to further amend the Agreement to change the commencement date of the Second Amendment from upon execution (April 22, 2022) to April 7, 2022.

The proposed amendment will serve a public purpose by enabling consistent, uninterrupted service to school districts that rely on Mount Sinai for weekly COVID-19 surveillance testing of their staff and students at the new rates commencing on April 7, 2022.

Except for the amendment set forth above, all prices, terms, and conditions of the Agreement shall remain in full force and effect.

The proposed amendment is exempt from the Westchester County Procurement Policy pursuant to Section 3(a) viii thereof, which exempts contracts for medical and health related services.

Accordingly, the attached resolution is submitted for your consideration.

SA/ran
Attachment

RESOLUTION

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

RESOLVED, that the County of Westchester is authorized to further amend an agreement dated October 14, 2021 with Mount Sinai Hospital ("Mount Sinai"), as amended by a first amendment to the agreement, dated January 10, 2022, and a second amendment to the agreement, dated April 22, 2022 (collectively referred to as the "Agreement") for COVID-19 screening testing services for students, teachers and staff in public and private schools in grades kindergarten through grades 12 for a not to exceed amount of \$13,430,697.00, when combined with the agreements with Mirimus, Inc. and Quadrant Biosciences, Inc., for a renewal term to commence on January 1, 2022 and terminate on July 31, 2022, in order to change the commencement date of the second amendment from upon execution (April 22, 2022) to April 7, 2022; and be it further

RESOLVED, that except as modified herein, all prices, terms, and conditions of the Agreement shall remain in full force and effect; and be it further

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

Account to be
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Acct	Dollars
N/A					\$
					\$

Budget Funding Year(s): _____ Start Date: 4/7/22 End Date: 7/31/22
(must match resolution)

Funding Source

\$ N/A
(must match resolution)

Tax Dollars: _____
State Aid: _____
Federal Aid: _____
Other: _____