

**MINUTES OF THE MEETING OF THE
COUNTY OF WESTCHESTER
BOARD OF ACQUISITION AND CONTRACT
HELD ON FRIDAY, MAY 28, 2010 AT 3:30 P.M.**

Acting County Executive	Kevin Plunkett
Chair, Board of Legislators	Ken Jenkins
Acting Commissioner of Public Works	John Hsu
Acting Deputy County Attorney	Rick Cashman
County Executive's Office	Christine Sculti
County Executive's Office	William Mooney
Office of the Budget	Patricia Haggerty
Office of the Budget	John Delaney
Deputy Commissioner, Dept. of Finance	Dennis Kelly
Board of Legislators	Olivia Rhodes
Board of Legislators	Ray Indelicato
Board of Legislators	Larry Goldstein
Acting Secretary BAC	Debby Linhardt
Assistant Secretary BAC	Joan Cocciardi
Westchester Medical Center (WMC)	John Staino
Correctional Health Svcs., WMC	Patrizia Perugini
Correctional Health Svcs., WMC	Taninia Beswick
President, CSEA Region	William Riccaldo
Behavior Health, CSEA, WCM	Michael Cappiello
President, CSEA Unit 9201, WMC	Peter Piazza

Mr. Plunkett presided.

Mr. Plunkett said, "Before we begin the meeting, has the Secretary checked the reception area to make sure that all members of the public who wish to attend this meeting have been invited into this conference room?"

Ms. Linhardt confirmed that she had done so.

Mr. Plunkett announced that he was chairing this meeting of the Board of Acquisition and Contract because County Executive Astorino was out of town.

Acquisition & Contract. (1) Minutes of the meeting of 5/27/10 and the SEQR Review for agenda items.

D. Linhardt

Mr. Plunkett moved to receive and file the foregoing minutes and SEQRA review, which were duly seconded and approved.

Mr. Plunkett opened the floor for discussion of the agenda items.

Mr. Jenkins then said, "Certainly the Board has been concerned about Item #3, 11820, which is the New York Correct Care Solutions Medical Services Contract, as well as Items 1 & 2, so we are going to ask for a separate vote on all three items for today.

Traditionally, what we do with these particular items when we over them, is we ask for an opportunity, usually a week of time, to be able to get a set of questions

answered. I know that yesterday evening at 6 P.M., the Board of Legislators, through Bob Boland, sent to Bill Mooney, a set of questions regarding the particular contract. Normally, we would have our preboard process the Friday before the A& C meeting. We meet during the week, so we can come up with the questions, so we don't have anything on these particular items that is loose and outstanding as we are going through the process. Certainly, we know we've been working through this particular contract on both sets of items. As late as today, we know we did receive, and we want to note for the record, that we received the letter from the Medical Center that did, as we stated yesterday, withdraw their termination letter from January 7th and January 27th. We did receive that this morning, in hard copy. We also did receive a copy, from the Administration, saying that the Administration was not going to be in acceptance of that particular letter. The Board has several concerns on this particular item. With the withdrawal from the Medical Center, as late as May 24th, in a letter from Bill Mooney to Michael Israel, Brudnicki, Eric Amoh, with copies to yourself, Mr. Chairman, Budget Director Soule, and Acting Commissioner Cheverko, on the Medical Center, there was documentation and a continued request to withdraw the termination letter from the Medical Center, and that was as late as May 24th. Although it certainly took a lot longer than any of us would have expected in this particular situation, that termination letter did appear. So, at this point in time, the emergency resolution that was presented, #11820, for the Department of Correction, is no longer an emergency. The contract does expire December 31, 2010. Certainly, with respect to the process where we might go out for an RFP to determine whether or not we are getting the most cost effective basis for our correctional health services, the Medical Center is providing the services at the level as per contract, and certainly as to the Administration's position, it's been the Administration's position that they should fulfill the terms of their contract, so at this particular time there is not an emergency.

In addition to that, we are looking at this particular item as if the Medical Center has withdrawn their termination agreement. Their contract is still in effect until December 31 and we would require a budget amendment, at minimum, if the Administration chose to enter into a separate contract for New York Correct Care Solutions Medical Services, as the budgeted expense for correctional health services would be exceeded with the letting of this particular contract.

In addition to that, Mr. Chairman, at this particular time, as we have received the letter, although it has not been accepted by the Administration, we did not accept their first letter. As far as information we received from the Board, there was no acceptance of their initial letter. We just understood that they wanted to terminate the agreement, as was certainly their contractual right to do. We have worked hard together, through this particular process, Mr. Chairman, to try to get to the place where we thought things could be fair and equitable for both the County taxpayers, as well as the considerations that were in the contract, the contractual arrangements for the Medical Center. We do note for the record that last year, the Board of Legislators, prior to the current Administration taking office, did eliminate \$12 million that was being subsidized to the Medical Center and certainly that had an impact on this particular contract, as they were able, before, to absorb some of the cost differences in the contract. We would also note for the record that in the presentation from CCS, CCS did note that they thought the number that the Medical Center was presenting was underfunded; that the Medical Center indeed, was losing money on this particular contract as they had claimed all along, based on their initial presentation. With that, Mr. Chairman, we are absolutely concerned about the items we asked for in the letter, the e-mail to Mr. Mooney yesterday, that we did not have an RFP for this process. Although that is not a requirement, as a \$15 million opportunity, we would expect, at minimum, that we would want to have a level of transparency, to see that we have gotten the best prices possible, to provide the services as essential. We are extremely concerned that the vendor, based on the framework of the contracts that we have seen to date, will have to come back for additional funding, so we're concerned about that. We are, finally, concerned about seeing a full draft copy of the contract and we don't have that as of yet. I know that

that will be forthcoming, but once again, Mr. Chairman, the position from the Board of Legislators, at this point in time, is that an emergency no longer exists for this, and certainly it would be in the benefit of the County to do an RFP process. Maybe this contractual agency would be the one that ends up after an RFP process has been completed, but the Board does not support this particular resolution at this particular time.”

Mr. Plunkett said, “Just a couple of observations. Number 1 is that, as you know, the letter that was sent by the President and CEO of the Medical Center, which was received some time late this morning, was rejected by Acting Commissioner Cheverko. The process has been one that has involved a national search, in the sense that companies that have provided these types of services throughout the country to a number of different prison systems were contacted. The search went on for a long period of time. As you know, it was narrowed down to four main companies. Those companies were interviewed. Site visits were made. So, we believe and I think Acting Commissioner Cheverko believes, that the entity that we are contracting with is the result of an exhaustive and extensive search. Time is of the essence because of the need for coordination. The letter that was sent by Mr. Israel did have some conditions to it. There’s a portion of the contract that they are not going to perform, whether or not that is a breach of the contract, whether it’s not, I am not here to argue as a lawyer. The last minute letter certainly comes after the Correction Department and the Administration relied on his letter. You will attest, I am sure, Mr. Jenkins, that Mr. Israel was asked, many times, to withdraw that letter that he had written and for whatever reason, he didn’t. I have to note that his letter of today indicated that he was doing it at the request of the Board of Legislators. I’m not sure that he was doing it because he felt that the position of the Medical Center had changed, but I haven’t talked to him about it nor do I intend to talk to him about it. Certainly, the letter that he wrote made it clear that he was doing it at the request of the Board of Legislators, because all along he has indicated how this kind of a contract was not one that the Medical Center could provide in a way that was cost efficient for the County. So what the County did, through its Administration, was to get a provider who was able to provide this service within the budget that exists. We do not believe a budget amendment is necessary. We’ve had law look at that. With respect to Mr. Boland’s letter, we did receive it last night. Mr. Mooney will attend to it in due course, but I wanted to make you aware and assure you that a national search and national companies were contacted to try to get this right.”

1. (9224) **Senior Programs** – Authority, pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, to exempt from procurement an agreement with the Westchester Marriott, 670 White Plains Road, Tarrytown, NY, for the provision of catering services for approximately 600 persons who will be attending the annual “Hall of Fame” luncheon on 12/3/10.

M. Carpenter

Mr. Plunkett moved the resolution. Mr. Jenkins seconded the motion and the resolution was approved 3-0.

2. (11325) **Senior Programs** - Agreement with the Westchester Marriott to provide catering services for approximately 600 persons who will be attending the annual “Hall of Fame” luncheon on 12/3/10, in an amount not to exceed \$22,000

M. Carpenter

Mr. Plunkett moved the resolution. Mr. Jenkins seconded the motion and the resolution was approved 3-0.

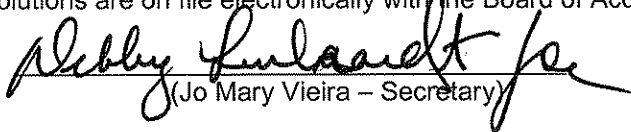
3. (11820) **Correction** – Agreement with New York Correct Care Solutions Medical Services, P.C. to provide comprehensive medical, mental health, dental and ancillary services to inmates and detainees in the custody of the Westchester County Department of Correction, from 7/26/10 – 7/25/13 in the amount of \$45,483,720, under the listed terms and conditions.

K. Cheverko

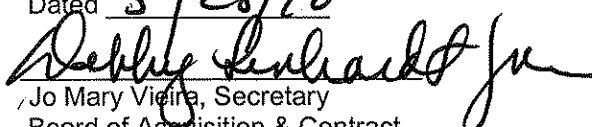
Mr. Plunkett moved the resolution. Mr. Hsu seconded the motion and the vote was 2-1 with Mr. Plunkett and Mr. Hsu voting in the affirmative and Mr. Jenkins voting in the negative.

This meeting was recorded and an electronic copy of the minutes is on file with the Board of Acquisition and Contract.

There being no further business, the Chair declared the meeting adjourned. All approved resolutions are on file electronically with the Board of Acquisition and Contract.


(Jo Mary Vieira – Secretary)

I have reviewed the foregoing minutes and have found them to be correct as written.

Dated 5/28/10

Jo Mary Vieira, Secretary
Board of Acquisition & Contract