



Contract Management

A Manual for preparing and approving
all County Contracts

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Oneida County Executive

2007

Who to Contact

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Introduction

The Oneida County contract approval process was instituted in 1999 using customized software to ensure a quick and efficient movement of contracts from the originating department to the County Executive and back to the originating department. There are many categories of contracts that must go through this approval process, but most fall into one of the following categories:

- All inter-government (Town, City, County, State, Federal) agreements
- All real property leases
- All equipment leases
- All Purchase of Services agreements
- All Professional Service and Personal Service (consulting) agreements
- Grants (that become contracts once they are awarded)
- MOU's between County Departments
- Amendments needed to any of the above categories, once the original contract has been approved

All County departments are required to follow the procedures outlined in this manual when submitting contracts for approval. Failure to follow the appropriate steps limits the County's ability to ensure that these documents clearly define the responsibilities, duties and obligations of all parties concerned. The result could place the County at risk, both fiscally and contractually. If there are questions regarding any of the steps outlined below, please contact the Law Department or the Contract Administrator.

SECTION 1: SUMMARY OF THE APPROVAL PROCESS

The Administrative Process (for all departments)

According to Section 802, "Execution of Contracts and Procedure," of the Oneida County Administrative Code, all contracts must be reviewed, approved and signed by the County Executive.

To begin the contract approval process, the originating Department must prepare the appropriate documents for circulation and review. There are several steps that must be taken to prepare documents which will assure a swift and smooth approval.

It is each department's responsibility to draft their own agreements so that the content of the agreement clearly outlines the specific terms, conditions and outcomes desired by the department. ***The Law Department approves the contract as to form only.*** Each department has an assigned Assistant County Attorney who will review the document language and approve the contract for the appropriate form. They are also available to assist the department head and program staff in drafting a department specific agreement. **(For detailed instructions on preparing the documents and required attachments, please see Section 2: "Preparing the Contract Packet")**

Once the contract language is finalized, the appropriate number of copies are made, and forwarded to the Vendor for their approval and signature. The Vendor should return ALL copies to the original department. Once the copies are received, the signature pages are "flagged" and a cover letter from the department head to the County Executive is drafted and placed on top. The designated staff member of the originating department then logs the contract into the Oneida County Tracking System, prints and attaches a cover "Contract Tracking Sheet" and sends all copies to the Law Department.

Once the Law Department has approved it to form, the agreement is forwarded to the Budget Director who reviews all contracts and account lines to ensure that sufficient funds are available for contracted services. If corrections or adjustments are required to fulfill the contract's fiscal terms, the Budget Director will generate a Contract Modifications Report (CMR) and return the contracts back to the department for revision. The CMR will indicate the adjustments necessary to fulfill the contract. The revised contracts can be returned to the Budget Director.

The Budget Director signs where appropriate and returns the contract to the Law Department for final approval processing.

The Law Department forwards the contract to the Office of the County Executive. If the contract requires Board of Legislators' approval, the appropriate documents will be sent to the Board's Clerk for distribution to the appropriate Board of Legislators' committees for review and approval. Once acted upon by the Board, the Board Clerk will notify the Law Department of either passage (approval) or defeat (voted down). If the contracts have been approved, the original sets are returned to the Office of the County Executive to be signed by the County Executive.

After the County Executive signs the contract, the contract is logged out to the Law Department for distribution. The Law Department returns the contract to the originating department. An original of the contract is retained in the Law Department's Repository.

To summarize the preparation process:

1. The Department needing a contracted service, receiving a grant or entering into other contractual agreements prepares the appropriate documents with the assistance of their assigned Assistant County Attorney and prepares the required number of copies. **See Appendix C: County Attorney Department Assignments**
2. All copies are sent to the Vendor for signing and returned to the original Department. ***All vendors MUST sign before County department staff or the County Executive may sign, with the only exception being for a state or federal government contract.***
3. The Department prepares a cover letter addressed to the County Executive, a BOL contract summary and a Contract Tracking Cover Sheet and places it on top of the stack of copies. The stack is forwarded to the County Attorney for review.
4. The County Attorney will forward the documents to the Budget office and the County Executive for review, approval and signatures if the contract is under \$50,000.*
5. Once approved, the signed contracts are returned to the Department for distribution. Each department should be sure to circulate a copy to Audit & Control with a copy of the Contract Tracking Sheet to ensure A&C can process payments.

*** “Any and all leases of equipment, professional service contracts and personal service contracts which do not require competitive bidding under the provisions of Section 103, subdivision 1 of the General Municipal Law and which are in excess of \$50,000.00, shall be subject to the approval of a majority of members of the Oneida County Board of Legislators after first being approved by the Board of Acquisition and Contract.”**

Please see the following section for information on the preparation for the Board Packet.

The Board of Legislators' Process

If the amount of a contract is \$50,000 or more, it must also be reviewed and approved by the Board of Legislators, a process which will require additional steps before it can be signed by the County Executive. Once the documents have gone through the (previous) standard review procedure, they will be forwarded to the Board office for this additional review.

Any requests for Board action must first be submitted to the County Executive by the Department Head. The County Executive will transmit the request for action to the Board.

In the event that a rapid response is required, it is customary for the County Executive's Office to discuss any matters of urgency or importance with the Board leadership prior to transmitting the request to the Board for their action.

Please note: The contract approval process by the Board of Legislators' takes 6-8 weeks PRIOR to the contract's start date. Every effort must be made to present documents requiring Board approval well in advance of the contract start date.

Items requiring legislative review and action must go through several important stages before they can be presented to the full Board for consideration. These steps include:

- The items needing legislative review are first prepared as a "Board Packet" with the appropriate copies and related documents attached. All Elected county officials, members of the Board of Legislators and department heads, who are requesting legislative action, shall transmit an original cover letter requesting such action by the Board of Legislators along with two (2) copies of same to the Board. All cover letters and copies thereof requesting Board action shall include pertinent background correspondence and/or agreements relating to such request.
- All such cover letters requesting legislative action which impacts the County budget must bear the stamp of the County Executive approving of such request for legislative action.
- The County Executive forwards the documents (contracts) to the Board for review and approval
- The Clerk of the Board assigns each document a File Number
- The document is listed in the next "Communications for Distribution" and is now considered a "Board Docket"
- Copies of the Board Docket are forwarded to the appropriate Board committees for review and discussion.
- Once all appropriate committees have approved the Board Docket, it is forwarded to the Ways and Means Committee.
- If approved, Ways and Means forwards the Board Docket to the full Board of Legislators for consideration and action. (If not, it may be returned to a Board committee or the department for additional information or changes)
- Upon approval, the clerk notes the Resolution Number and date of passage on the Contract Tracking Sheet and the documents are returned to the Law Department which forwards them to the County Executive for signature.

The entire process to accomplish these steps normally takes approximately 6 – 8 weeks. In the event that circumstances require a different timeframe, the County Executive’s office will communicate with the members of the Board Leadership to develop a plan of action.

Communications for Distribution:

The Board’s “*Communications for Distribution*” packet is prepared biweekly for distributing items to be considered for the Board. The deadline for receipt is the Friday before Board Day. (See **Appendix A: Board Calendar for dates and times of meetings.**) Each item for consideration includes an original letter from the Department Head with pertinent back-up correspondence and a copy of the agreement. The County Executive’s Office reviews and indicates approval and then submits the documents to the Clerk of the Board who assigns each with a File Number which includes the year and a sequential index number. The entire packet of documents, with its’ assigned File Number is called a “Board Docket.”

Committee Review:

Each committee of the Board of Legislators’ is assigned to a Department. (See **Appendix A: BOL Committee List**) Generally, within the following week or two of issuing the Board’s “*Communications for Distribution*” packet, the Committees meet to review and act on their assigned Board Dockets. Department heads will be notified if their attendance is needed at committee meetings and delays may occur if additional information is needed at committee meetings when department staff is unable to be present. *Please note: Rule No. 52 of the County Legislature provides that the County Executive and all Department Heads shall be available on all days when the Board of Legislators is in session for appearance before the Board or the Committees of the Board. When for reasons beyond their control Department Heads are not available, a qualified person from the department must be available to furnish information required. Department Heads or their representatives are exempt from mandatory attendance at evening meetings of the Board when legislation on the agenda does not pertain to their specific departments.*

Ways and Means Committee:

All Board Dockets must be reviewed and approved by the Board’s Ways and Means Committee. This happens generally 2-3 weeks after the docket appears in the “*Communications for Distribution.*” Once the Ways & Means Committee approves the docket for Board action, the Law Department drafts a Resolution and the Clerk of the Board assigns an Introductory Number.

Finally, The Board of Legislators’ considers and acts on the Resolution at a regularly scheduled meeting. Following the meeting, the Clerk of the Board assigns a Resolution Number to the action of the Board.

For convenience, the “Communications for Distribution,” Board Agendas and Enacted Legislation are now posted on the County’s website, www.ocgov.net.

A list of what departments are assigned to each Board Committee and the current schedule of Board of Legislators’ regular meetings can be found in **Appendix A**.

Time Line for Board Process

Week 1 - Submit **General Packet** with additional **Board Packet** to Law Department

Week 2-3 - County Executive submits to Board of Legislators

Week 4 – Printed in Board’s *Communications for Distribution*

Week 5 – Committee(s) review and acts

Week 6 – Ways and Means Committee reviews and acts

Week 8 – Board action and County Executive signs approved contract

All contracts must be executed PRIOR to the start date.

SECTION 2: PREPARING THE CONTRACT PACKET

A: Contracts Requiring County Executive Approval Only

The General Packet

All contracts submitted to the Law Department for County Executive's review, approval and signature must include the following items in the **General Packet**:

- **Contract Tracking Sheet** generated by the originating department **WITH ALL FIELDS COMPLETED.**
- A **Department Head letter to the County Executive**, with original signature, explaining the purpose for the contract and other specific information regarding the terms and conditions, including the amount of County dollars in the contract.
- A completed **Contract Summary Sheet (NOTE: ANY CONTRACTS RECEIVED WITHOUT A COMPLETED SUMMARY SHEET WILL BE RETURNED TO THE DEPARTMENT.)**

The number of copies needed may vary by department and program. As a minimum, when preparing the copies needed, the following guidelines should be followed:

- The number of agreements required by the Department which need original signature; **PLUS**
- One agreement with original signature for filing in the Law Department's Repository; **PLUS**
- One agreement with copy of Contract Tracking Sheet for filing in the office of Audit & Control;
- Each copy should include the Contract's attachments containing detail documents and any required or standard wording (Boilerplate attachments). (See **Appendix B**)

Sample forms can be found in **Appendix B: Required Forms & Boilerplate Attachments**. These forms may also be found on the County intranet website at: <http://100.1.1.100/>

Submit the General Packet to the Law Department a minimum of 4 weeks prior to the start date of the contract to ensure that the County Executive has sufficient time to review, approve and sign the contract **PRIOR** to the start date.

B: Contracts Requiring Board of Legislators' Approval

There are several specific categories of contracts that require Oneida County Board of Legislators' review and approval. These include:

- All inter-governmental (Town, City, County, State, Federal) agreements.
- Grant award contracts over \$50,000
- All real property leases
- All equipment leases which do not require competitive bidding and are in excess of \$50,000.00
- All Purchase of Service and Personal Service contracts which do not require competitive bidding that total \$50,000 or more
- All Professional Service and Personal Service Contracts which are in excess of \$50,000

All contracts which require Board approval must submit to the Law Department both the **General Packet** AND a **Board Packet**.

The Board Packet

In ADDITION to the General Packet, if the total amount is \$50,000 or above, a Board Packet must be submitted for Board of Legislators' review and approval. The Board Packet is made up of one (1) extra copy of the contract for regular purchase of service agreements (Social Services, Health, & Office for the Aging). *However, if the contract contains anything out of the ordinary or is a specialized subject (Public Works, EDGE, etc) the Legislator's like to see the agreement. Therefore, 3 copies of the agreement will be required to send to the Board of Legislators.*

The Board Packet is put together in the same order as the General Packet with the following additions:

- *The copies (1-3) made for the Board should not be stapled, but should be paper-clipped together*

To Summarize: When submitting an agreement for Board approval two packets are required:

The General Packet

- Oneida County **Contract Tracking Sheet** generated by the originating department.
- A completed **Contract Summary** sheet
- The number of agreements required by the Department which need original signature; **PLUS**
- Three duplicate original agreements with original signature for filing in the Law Department's Repository

AND

The Board Packet

ONE TO THREE sets which include:

- The Department Head's letter to the County Executive with **original signature** by the department head.
- A copy of the **Contract Summary** sheet for each.
- A copy of the Agreement signed by vendor and the Department Head or Commissioner

Secure the Board Packet under the General Packet and forward to the Law Department.

Please submit to the Law Department 8-9 weeks prior to the contract start date.

All contracts must be signed by the County Executive PRIOR to the start date.

All packets must have a cover letter which is addressed to the County Executive and signed by the Department Head. The letter is placed under the Contract Tracking Sheet.

The Department Head's Letter/Memo

The Department Letter/Memo should be addressed to the County Executive, must be on department letterhead and have an **original signature** of the department head or designee.

The content of the letter should include:

- date
- who (the vendor)
- what (the Purchase of Service, Lease, consultant, etc.)
- when (the term), and
- why (a brief description of the purpose and ways it will benefit Oneida County residents).
- The letter/memo must also include the specific expense or the revenue that is being generated and their source (Federal, State, County or other source) **It is very important that any requirement of County dollars in the contract must be specified; if there are no county dollars, state in BOLD type, "There are NO County dollars in this contract."**

"Upon receipt and review of the letter from the Department Head, detailing the issue that is the subject of the request for Board and County Executive approval, the County Executive, if in agreement, will indicate his or her approval by affixing a stamp to the departmental letter which reads: 'Reviewed and Approved for submittal to the Oneida County Board of Legislators by...' and signing and dating where indicated."

Section 3: Oneida County Contract Tracking System

All departments should have at least one computer that contains the **Contract Manager** computer program. *Department Heads shall designate one specific person whose duties include the entry and monitoring of this tracking database for the contracts within that department.* Timely, accurate and regular monitoring of the information contained within the database for each contract allows the department to keep track of a contract's progress as it moves through the various steps towards completion. Once the contract has been entered into the system, the system automatically assigns a tracking number. This number can be used to call up a search within the system and allows the department to review the progress, comments and questions as they are posted by the Law Department, Budget Office and County Executive.

Using the Contract Manager Program

The system has several functions: Entering and editing contracts; printing the Contract Tracking Sheet, generating reports and dictionaries and preparing amended contracts using previously entered data. Each function is used to support the entire database, so the inaccurate entering of data will affect the accuracy of any reports produced that include the erroneous information. Special care should be taken when entering information to ensure that it accurately reflects the contents and details of the contract.

Entering Data:

- Open the Contract Manager Program using the appropriate password
- On the Main Page, Click the button labeled "Enter New Contracts"
- Complete each of the fields on the entry page:
 - **Contract No:** The field is entered automatically when the page is first opened.
 - **Status:** Pull down menu for "New," "Renewal" or "Amended."
 - **Prior Contract No:** Enter the *most recent* previous contract if this is a renewal or amendment. If it is a new contract, leave blank.
 - **Internal Dept. ID:** Enter the originating department's cost center number.
 - **Start on Execution:** Check this box if the contract is to begin immediately.
 - **Start date:** Enter date contract term begins (if box above is not checked).
 - **End date:** Enter date contract term ends.
 - **Contract Type:** Pull down menu for Lease, Approval for Funding, Professional Service, Grant, MOU, Other, Permit for Use of Space, Purchase of Services, or Revenue.
 - **Vendor:** Enter the vendor's name. (*Note: if the vendor is not in the database dictionary, contact Central Services to have it entered prior to entering a new contract*).
 - **Revenue Account:** Enter the appropriate account number.
 - **Department Information:** Department info will fill automatically as you begin to type.
 - **Cost Centers/Contract Amounts:** Enter the dollar amounts for the contract as detailed in the document. If there is more than one cost center included within one contract, type each one individually within the appropriate field. The contract's total amount will automatically calculate as individual

amounts are entered. If the exact amount of a contract number is unknown, an estimate should be entered and information should be included in the memo field indicating that “The entire contract is not to exceed \$50,000.

- **Fee for Service?:** Check this box if this is a contracted service with a fee associated with it. Be sure to enter fee information in the Memo box.
 - **Memo:** Use this space to provide a few notes or additional information about the contract’s details. Information that might be included are notes about what the fee may be (if Fee for Service), changes to the contract (if amendment); matching funds or other funding sources supporting the program; a specific program name if appropriate for the contract, etc. If the contract is funded through a federal or state grant, the appropriate federal or state grant number should be entered here.
-
- Once all fields have been completed and the information is correct, Click the “Cover Sheet” button in the top left corner to create the cover tracking sheet. If all information appears correct, you may print the cover sheet.
 - After the cover sheet is printed, you may exit the program by closing out the window, or enter another new contract – both buttons are found on the main page. When you exit the program, all data is automatically saved within the database for future reference.

Reports:

There are several types of reports that can be generated by the **Contract Manager** program, once data has been entered. These can be accessed from the Main page, by clicking the appropriate button. Types of reports include:

- **Tracking Report by Cost Center:** This report contains all contracts within a specific cost center. Contracts are listed in order by the date entered and the contract number in ascending order.
- **Tracking Report by Contract # Range:** Clicking this button allows the user to enter a specific date range or timeframe to review all contracts entered within the period. Contracts may be from any department and any cost center, but will be listed by date and contract number in ascending order.
- **Tracking Report by Department:** Displays all contracts entered into the database by a specific County department in ascending order by date and contract number.
- **Tracking Report by Vendor:** Displays all contracts with Oneida County by an individual vendor. This report will include every contractual relationship the vendor has with every department and cost center. Contracts are listed by date and contract number in ascending order.
- **Tracking Report by Unique Department Number:** This report can detail contracts for departments that have assigned a specific tracking ID number for their department, rather than a cost center number. Contracts are listed by date and contract number in ascending order.

Check List for Contract Managers

The following checklist should be helpful for Department/Division/Unit Staff who are producing contracts for the County Executive's review, (and the Board of Legislators' when appropriate) approval and signature.

- The **Contract Tracking Sheet** is submitted on top of the entire stack of all attached documents.
- The **Cover Letter** is directly under the Tracking Sheet submitted on top of the General Packet of letter(s), Contract Summary, contract documents, etc.
- The **Vendor's signature** should be on each copy PRIOR to submitting the documents to the Law Department.
- The General Packet (and Board Packet) is held **securely together** with appropriate sized paper clips or binder clips.
- **Any contracts which require a Notary must have all information in the notary statement completed and filled in, including County Executive's name, title, organization, residence, etc.**
- All contract **pages are numbered** including the signature pages.
- On all County Executive signature pages, the **County Attorney** has a signature line designated "Approved as to Form Only."
- Use self-stick "**sign here**" flags to indicate the pages requiring the County Executive and other required signatures.
- For **equipment leases only**, submit the lease contract with only the Contract Tracking Sheet and if appropriate, the Purchase Requisition.
- **Submit** the General Packet, or if the Board of Legislator's approval is also required, the General Packet and Board Packet **to the Law Department**.

Section 4: Special Procedures for Electronically filed contracts with New York State:

In mid-2006 several New York State Agencies implemented electronic databases that allow for online applications and grant processing. These databases require a user name and password to access. Once an application is approved by the Albany staff, this system allows the full contract, including boilerplate and miscellaneous attachments, to be printed out locally, rather than to be sent through the postal mail service.

Currently, the Department of Criminal and Justice Services (DCJS), the Office of Children & Family Services (OCFS) and the Office of Homeland Security are using this method for grant applications and contracts.

These new electronic databases also include a function that requires the County Executive to “electronically sign” the contract with the state agency indicating the County’s acceptance. It is very important to understand that while there are several categories of “users” for these new systems, the only County staff person that can be designated as a “signatory” is the County Executive. If you need assistance preparing a grant application in one of these electronic databases, please contact the Contract Administrator.

It is important for all departments to understand that while this electronic method of grant application and approval from New York State may streamline some of the process of executing contracts with the state, it does not supersede the internal approval procedures here in Oneida County. It is still necessary for the contract to be printed out in hard copy form and circulated according to the above procedures BEFORE the County Executive’s office can take the steps to “electronically sign” the contract in its final form.

In order to minimize any delay in receiving approval from the County Executive’s office, it is advisable that departments print out their grant and contract documents as soon as possible once they have been approved in the state’s electronic database. These copies should be prepared according to the instructions for the **General Packet** and/or **Board Packet** when appropriate, and circulated for review.

Section 5: Required Contract Language (Boilerplate for all categories)

Regardless of the type of contract being prepared between an Oneida County department and a vendor, all contracts must include specific language which defines the responsibilities of the vendor in meeting certain standards of operation as outlined below. These requirements are referred to collectively as “boilerplate” clauses.

ALL COUNTY CONTRACTS MUST INCLUDE:

1. Executor or non-appropriation clause:

“The County shall have no liability or obligation under this lease agreement to the contractor/vendor or to anyone else beyond the annual funds being appropriated and available for this agreement.”

2. Oneida County Board of Legislators: Resolution #249 Solid Waste Disposal Requirements.

All County contracts must include language of Resolution #249 indicating that all solid waste (non-medical) and recyclables generated by any contracting party in Oneida County and Herkimer County be removed by the Oneida-Herkimer Solid Waste Authority. This Resolution was enacted May 26, 1999 and must be included in all contracts commencing January 1, 2000. Oneida County Board of Legislators Resolution No. 249 is attached.

The following is contract language to be used in all County contracts:

Pursuant to Oneida County Board of Legislator Resolution No. 249 of May 26, 1999, the Contractor agrees to deliver exclusively to the facilities of the Oneida-Herkimer Solid Waste Authority, all wastes and recyclables generated within the Authority’s service area by performance of this contract by Contractor and any subcontractors. Upon awarding of this contract, and before work commences, the Contractor will be required to provide Oneida County with proof that Resolution No. 249 of 1999 has been complied with, and that all wastes and recyclables in the Oneida-Herkimer Solid Waste Authority’s service area which are generated by the Contractor and any subcontractors in performance of this contract will be delivered exclusively to Oneida-Herkimer Solid Waste Authority facilities.

3. Certification regarding lobbying; debarment, suspension and other responsibility matters; and Drug-Free workplace requirements.

All contracts are to have a clause which addresses the prohibition of Federal funds for lobbying and that the contractor meets drug-free workplace requirements. *The pages containing the required language can be printed out in the “Forms” section of the Contract Manager section on the Oneida County Intranet.*

ALL COUNTY HUMAN SERVICES CONTRACTS MUST

INCLUDE: (May include those from the Health Department, Aging, Youth and Social Services among others. If unsure, check with appropriate assigned Attorney)

Any County vendor who manages or has access to personal health information must have the following language within the text of the contract and must comply with the standards.

The following contract language to be used in all contracts :

Health Insurance Portability and Accountability Act (HIPAA) (Version A):

The Contractor shall comply with the Health Insurance Portability and Accountability Act of 1996, hereinafter referred to as "HIPAA," as well as all regulations promulgated by the Federal Government in furtherance thereof, to assure the privacy and security of all protected health information exchanged between the Contractor and the Agency. As proof of compliance with 45 CFR 160 and 164, the Contract shall append to this Agreement a complete copy of its Policy and Procedures Manual, which address HIPAA compliance issues.

OR

Health Insurance Portability and Accountability Act (HIPAA) (Version B):

The Contractor, as a Business Associate of the Agency, shall comply with the Health Insurance Portability and Accountability Act of 1996, hereinafter referred to as "HIPAA," as well as all regulations promulgated by the Federal Government in furtherance thereof, to assure the privacy and security of all protected health information exchanged between the Contractor and the Agency. In order to assure such privacy and security, the Contractor agrees to enact the following safeguards for protected health information:

1. Establish policies and procedures, in written or electronic form, that are reasonably designed, taking into consideration the size of, and the type of activities undertaken by, the Contractor, to comply the Standards for Privacy of Individually Identifiable Health Information, commonly referred to as the Privacy Rule;
 2. Utilize a combination of electronic hardware and computer software in order to securely store, maintain, transmit, and access, protected health information electronically;
 3. Utilize an adequate amount of physical hardware, including but not limited to filing cabinets, and locks on drawers, cabinets and office doors, in order to prevent unwarranted and illegal access to computers and paper files that contain protected health information of the Agency's clients;
- b.** This agreement does not authorize the Contractor to use or further disclose the protected health information that the Contractor handles in treating patients of the Agency in any manner that would violate the requirements of 45 CFR § 164.504(e), if that same use or disclosure were done by the Agency, except that:
1. The Contractor may use and disclose protected health information for the Contractor's own proper management and administration; and

2. The Contractor may provide data aggregation services relating to the health care operations of the Agency.

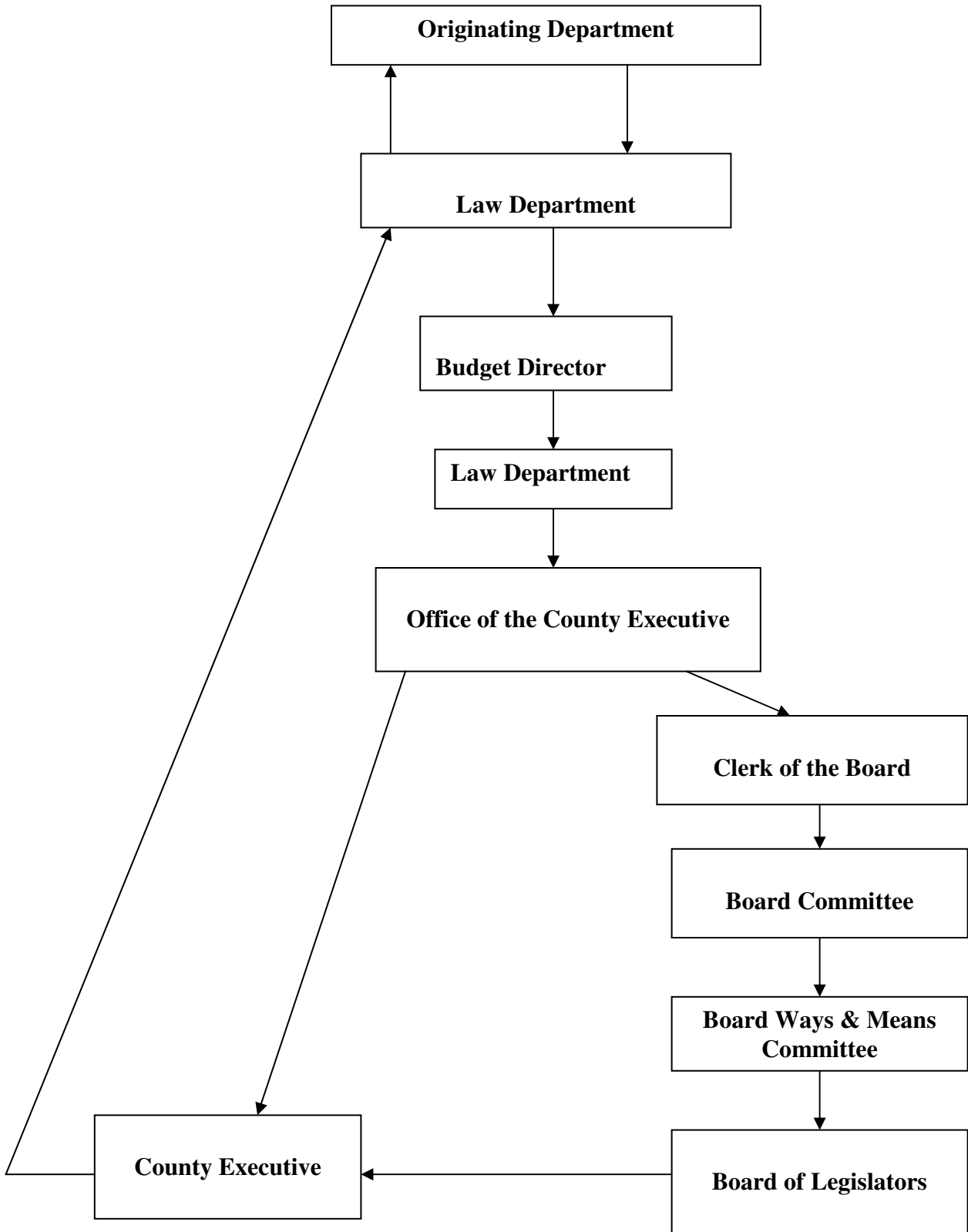
c. The Contractor shall:

- 1 Not use or further disclose protected health information other than as permitted or required by this Agreement or as required by law;
- 2 Use appropriate safeguards to prevent the use or disclosure of protected health information other than as provided for in this Agreement;
3. Report to the Agency any use or disclosure of the information not provided for by this Agreement of which the Contractor becomes aware;
4. Ensure that any agents, including a subcontractor, to whom the Contractor provides protected health information received from, or created or received by the Contractor on behalf of, the Agency agrees to the same restrictions and conditions that apply to the Contractor with respect to such protected health information;
5. Make available protected health information in accordance with 45 CFR § 164.524;
6. Make available protected health information for amendment and incorporate any amendments to protected health information in accordance with 45 CFR § 164.528;
7. Make available the information required to provide an accounting of disclosures in accordance with 45 CFR § 164.528;
8. Make its internal practices, books, and records relating to the use and disclosure of protected health information received from, or created or received by the Contractor on behalf of, the Agency available to the Secretary of Health and Human Services for purposes of determining the Agency's compliance with 45 CFR § 164.504(e)(2)(ii); and
9. At the termination of this Agreement, if feasible, return or destroy all protected health information received from, or created or received by the Contractor on behalf of, the Agency that the Contractor still maintains in any form and retain no copies of such information or, if such return or destruction is not feasible, extend the protections of this Agreement to such information and limit further uses and disclosures to those purposes that make the return or destruction of the information infeasible.

d. The Contractor agrees that this Agreement may be amended if any of the following events occurs:

1. HIPAA, or any of the regulations promulgated in furtherance thereof, is modified by
Congress or the Department of Health and Human Services;
2. HIPAA, or any of the regulations promulgated in furtherance thereof, is interpreted by a court in a manner impacting the Agency's HIPAA compliance, or
 4. There is a material change in the business practices and procedures of the Agency.

e. Pursuant to 45 CFR § 164.504(e)(2)(iii), the Agency is authorized to unilaterally terminate this contract if the Agency determines that the Contractor has violated a material term of this Agreement.



APPENDIX A

Board of Legislators Meeting Dates

Legislative Committees 2007

Oneida County Board of Legislators

2007 Meeting Schedule

Regular meetings of the Board shall, pursuant to statute, be held at 2:00 P.M. on the second and fourth Wednesday after the first Monday of each month, unless such second and fourth Wednesday is a legal holiday, in which event said regular meeting shall be held on the following day, except that during the month of January, February, March, April, May, June, July, August and September, the second meeting of the month shall be held at 7:00 P.M. Meetings shall be held in the:

Russell W. Williams Legislative Chamber
10th Floor
Oneida County Office Building
800 Park Avenue
Utica, New York 13501
(315) 798-5900

January 10	July 11
January 24**	July 25**
February 16	August 15
February 28**	August 29**
March 14	September 12
March 28**	September 26**
April 11	October 10
April 25**	October 24
May 16	November 14
May 30**	November 28
June 13	December 12
June 27**	December 26

AGENDA

11:00 A.M. Regular meeting of the Ways and Means Committee
2:00 P.M. Regular meeting of the Board of Legislators

****Night Meetings: Per Resolution No. 8, dated January 11, 2006.**

5:00 P.M. Regular meeting of the Ways and Means Committee
7:00 P.M. Regular meeting of the Board of Legislators

NOTE: Rule No. 52 of the County Legislature provides that the County Executive and all Department Heads shall be available on all days when the Board of Legislators is in session for appearance before the Board or Committees of the Board. When for reasons beyond their control Department Heads are not available, a qualified person from the department must be available to furnish information required.

Department Heads or their representatives are exempt from mandatory attendance at evening meetings of the Board when legislation on the agenda does not pertain to their specific departments.

STANDING COMMITTEES 2007

06/28/07

AIRPORT (Oversees Airport Operations at County Airport and Griffiss)

GEORGE JOSEPH, CHAIR
DAVID J. WOOD, VICE CHAIR
FRANK D. TALLARINO, VICE CHAIR
Les Porter
Emil R. Paparella
Michael D. Damsky
Pamela N. Mandryck
Michael B. Waterman
Harry A. Hertline
Edward C. Stephenson
Carl Graziadei

COURTS, LAWS & RULES (Includes all Courts, Jurors, Department of Law, Rules of the Board of Legislators, County Charter and Administrative Code)

MICHAEL B. WATERMAN, CHAIR
WILLIAM R. HENDRICKS, VICE CHAIR
WILLIAM B. GOODMAN, VICE CHAIR
David J. Wood
Emil R. Paparella
Michael D. Damsky
Brian D. Miller
David Wilcox
Rose Ann Convertino
Carl Graziadei
Daniel N. LaBella

ECONOMIC DEVELOPMENT & TOURISM (Includes industrial, economic and related tourism Promotion and development, Union Station, Planning Department and related programs)

MICHAEL D. DAMSKY, CHAIR
EMIL R. PAPARELLA, VICE CHAIR
HARRY A. HERTLINE, VICE CHAIR
Pamela N. Mandryck
Les Porter
Kenneth Brewer
James M. D'Onofrio
George Joseph
William B. Goodman
Patricia A. Hudak
Daniel N. LaBella

EDUCATION, YOUTH & AGRICULTURE (Includes MVCC, youth programs, Cornell Cooperative Extension, Workforce Development)

EDWARD P. WELSH, CHAIR
BRIAN D. MILLER, VICE CHAIR
WILLIAM B. GOODMAN, VICE CHAIR
William R. Hendricks
David Wilcox
Bernard O. Burns
Norman Leach
Richard A. Flisnik
Michael J. Hennessy
William C. Morehouse
Carl Graziadei

INTERNAL AFFAIRS (Personnel, County Clerk, Board of Elections, Audit & Control, Finance Department, and all other county departments not specifically covered by another committee)

PAMELA N. MANDRYCK, CHAIR
EDWARD P. WELSH, VICE CHAIR
ROSE ANN CONVERTINO, VICE CHAIR
Les Porter
Norman Leach
Brian D. Miller
David Wilcox
Richard A. Flisnik
Joseph M. Furgol
Frank D. Tallarino
William C. Morehouse

HUMAN RESOURCES (Includes Department of Social Services, Veterans' Affairs)

EMIL R. PAPARELLA, CHAIR
LES PORTER, VICE CHAIR
FRANK PUMA, VICE CHAIR
William R. Hendricks
Bernard O. Burns
Richard A. Flisnik
Kenneth G. Brewer
Michael B. Waterman
Rose Ann Convertino
Patricia A. Hudak
Michael J. Hennessy

PUBLIC SAFETY

(Includes District Attorney, Sheriff, Law Enforcement Building, Probation, Public Defenders, 911, STOP-DWI, Traffic Safety and related services)

BRIAN D. MILLER, CHAIR
PAMELA N. MANDRYCK, VICE CHAIR
EDWARD C. STEPHENSON, VICE CHAIR
George Joseph
Bernard O. Burns
Michael B. Waterman
Richard A. Flisnik
David Wilcox
William C. Morehouse
Joseph M. Furgol
Daniel N. LaBella

WAYS & MEANS (Acquisition & Contract, Salaries, Budget)

LES PORTER, CHAIR
JAMES M. D'ONOFRIO, VICE CHAIR
HARRY A. HERTLINE, VICE CHAIR
Michael D. Damsky
David J. Wood
Emil R. Paparella
Bernard O. Burns
Pamela N. Mandryck
Frank D. Tallarino
William B. Goodman
Patricia A. Hudak

PUBLIC HEALTH (Health Department, Mental Health Department, Coroners, Office for the Aging, environmental concerns)

RICHARD A. FLISNIK, CHAIR
EDWARD P. WELSH, VICE CHAIR
PATRICIA A. HUDAK, VICE CHAIR
William R. Hendricks
Emil R. Paparella
Norman Leach
Kenneth G. Brewer
Michael B. Waterman
William C. Morehouse
Frank Puma
Michael J. Hennessy

PUBLIC WORKS (Department of Public Works, County Lands, Water Quality & Water Pollution Control, *soil conservation)

DAVID J. WOOD, CHAIR
GEORGE JOSEPH, VICE CHAIR
HARRY A. HERTLINE, VICE CHAIR
Pamela N. Mandryck
Edward P. Welsh
Brian D. Miller
Kenneth G. Brewer
Richard A. Flisnik
Frank D. Tallarino
Edward C. Stephenson
Carl Graziadei

WORKERS' COMPENSATION (Oversees operation of Workers' Compensation Program)

DAVID WILCOX, CHAIR
LES PORTER, VICE CHAIR
WILLIAM C. MOREHOUSE, VICE CHAIR
James M. D'Onofrio
Norman Leach
William R. Hendricks
Kenneth G. Brewer
Edward P. Welsh
Frank Puma
Joseph M. Furgol
Michael J. Hennessy

APPENDIX B

Contract Summary Form

Oneida Co. Department: _____

Competing Proposal _____
Only Respondent _____
Sole Source RFP _____

**ONEIDA COUNTY BOARD
OF LEGISLATORS**

Name of Proposing Organization:

Title of Activity or Service:

Proposed Dates of Operation:

Client Population/Number to be Served:

Summary Statements

1) Narrative Description of Proposed Services

2) Program/Service Objectives and Outcomes:

3) Program Design and Staffing

Total Funding Requested:

Account #

Oneida County Dept. Funding Recommendation:

Proposed Funding Sources (Federal \$/ State \$/County \$):

Cost Per Client Served:

Past Performance Data:

O.C. Department Staff Comments:

ONEIDA COUNTY SERVICE AGREEMENT

COUNTY

SERVICE PROVIDER

County of Oneida
800 Park Avenue
Utica, New York 13501

(Hereinafter referred to
as the County)

(Hereinafter referred to as the Contractor)

PERIOD OF AGREEMENT

COUNTY RESOLUTION NO.

From:
To:

Adopted on

FINANCIAL TERMS OF AGREEMENT:

Total Program
Budget:

Approved
Funds:

Matching Funds

GENERAL LIABILITY INSURANCE:

\$ 1 Million

This agreement is made between the County, a municipal corporation of the State of New York, identified above, acting through its duly constituted Oneida County Department of _____, and the Service Provider referred to above.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement for the consideration and in accordance with the terms, provisions and conditions of the Agreement as set forth within the following pages, as of the first day of the period of agreement.

COUNTY OF ONEIDA

By: _____
County Executive

By: _____
Executive Director

By: _____
Commissioner

By: _____
Department Director

Approved as to form

Oneida County Attorney

APPENDIX C

Assistant County Attorneys

Department Assignments

LINDA M.H. DILLON

911 Emergency-Emergency
Management
Acquisition and Contract
Airport--Griffiss

Auditorium Authority
Board of Elections
Board of Legislators

Coroner
County Executive
Credit Union
DPW
OCIDC-EDGE-GLDC matters
Opinions
Planning
Purchasing-Central Services

Risk and Claims Administration

Sales Tax Legislation
Sheriff-Civil Admin. & Corrections
Social Services-contracts, leases--only
Traffic Safety-DWI
Veterans Service Agency
Weights & Measures

HARRIS J. SAMUELS

Cooperative Extension

County Clerk
INDIAN/LAND CLAIM

Motor Vehicle Bureau
Naturalization & Passports
Worker's Compensation

KURT PARRY

DEC/Environmental
Family Court Alt. (Rome)
Finance Dept.
Kendra's Law (Alt.)
Personnel

Pilot Agreements

Power line (NYRI)
Tax Certioraris

BRIAN M. MIGA

All Public Health Matters

Education and
Transportation
of Handicapped children

RAYMOND BARA

District Attorney

Kendra Law
Lead Counsel-Family Court
Utica
Mental Health
OFA-OCC
Poor Person
Determinations
Probation
Youth Bureau

HERBERT CULLY

Board of Elections (alt.)
Jurors
Lead Counsel-Family Court
Rome
Murnane Field-Sports
Authority
Peswick Glen Litigation
Pistol Permits

LAWRENCE SARDELLI

Airport-Collections
(Oriskany)
Ethics Counsel

Family Court (Alt. Utica)
MVCC
Public Defender--Criminal
and Civil
Soil and Water
Conservation
Water Pollution Control
Workforce Development

Last Update 9/2007