

Department of Transportation

12940

DATE: June 11, 2010

TO: Board of Acquisition and Contract

FROM: John J. Hsu, P.E.
Acting Commissioner of Transportation

Kevin P. Mahon
Commissioner, Department of Social Services

RE: AUTHORITY TO EXERCISE THE SECOND OF THREE OPTIONS TO EXTEND A CONTRACT WITH ALL COUNTY BUS, LLC TO PROVIDE TRANSPORTATION SERVICES FOR HOMELESS SCHOOL AGE CHILDREN AND TRANSPORTATION SERVICES FOR CHILDREN IN FOSTER CARE FOR COURT-MANDATED VISITS WITH THEIR FAMILIES IN WESTCHESTER COUNTY SOCIAL SERVICES DISTRICT OFFICES FOR THE PERIOD COMMENCING ON SEPTEMBER 1, 2010 AND TERMINATING ON AUGUST 31, 2011 FOR AN AMOUNT NOT TO EXCEED \$2,680,700 FOR THIS EXTENSION AND FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$7,626,640 TO BE PAID PURSUANT TO AN APPROVED BUDGET AND SUBJECT TO APPROPRIATION

Authority was granted by this Board in a resolution approved on July 24, 2008 to enter into a contract with All County Bus, LLC, 70 Fernbrook Street, Yonkers, New York 10705 to provide transportation services (mandated by the New York State Education Law Section 320(2)) for homeless children attending school in their school district of last permanent residence (home school district) for the period from September 1, 2008 through August 31, 2009 for an amount not to exceed \$2,472,970. The contract was subsequently executed.

The requirement mandated by the New York State Education Law affects children who are housed outside their home school district attending school in their home district. This transportation service is for the children in County Zones 1, 2 and 3. Transportation services are also provided for children in Foster Care for court-mandated visits with their families in Westchester County Social Services District Offices.

This Board also gave permission to the County to enter into three (3)

one-year extensions at the sole discretion of the County. The extension periods would begin on September 1, 2009, 2010, and 2011 and terminate on August 31, 2010, 2011, and 2012, respectively. As stated in the original resolution, the extension periods provide for a price adjustment based on 100% of the percentage of increase of the Consumer Price Index ("CPI") – Public Transportation-U.S. City Average-Series ID: CUUR0000SETG. Also, as stated in the original contract, such adjustment shall be computed by first comparing the "CPI" published during the month of April 2009 with the "CPI" published during the month of April 2010.

Your Honorable Board approved a resolution on July 2, 2009 giving authority to the County to exercise its first of the three options to extend the contract for the period from September 1, 2009 through August 31, 2010 for an amount not to exceed \$2,472,970 making the total including the Original Agreement and the First Extension to \$4,945,940. The First Extension was subsequently executed.

Authority is now requested for the County to exercise the second of three options to extend the contract with All County Bus, LLC for the period commencing on September 1, 2010 and terminating on August 31, 2011 for an amount not to exceed \$2,680,700 (\$1,106,320 for zone 1, \$1,277,429 for zone 2 and \$296,951 for zone 3), for a total contract amount not to exceed \$7,626,640.

The \$2,680,700 requested for this extension reflects a change in cost from the second year of this contract. The calculation of the Consumer Price Index ("CPI") – Public Transportation-U.S. City Average-Series ID: CUUR0000SETG, comparing the "CPI" published during the month of April 2009 with the "CPI" published during the month of April 2010 resulted in an increase of 8.4%. The contract with All County Bus, LLC for this service states that the prior year cost shall be adjusted by the percentage of increase, but not decrease. Therefore, the cost of \$2,680,700 requested for this extension is increased by 8.4% from the cost approved for the prior year.

APPROVED BOARD OF SUPERVISORS, COUNTY OF SAN DIEGO, CALIFORNIA
7-29-2010
DANNY VIEIRA, COUNTY CLERK

The goals and objectives of this program are to meet New York State mandates by providing transportation to and from school for homeless children housed outside their home school districts. This program provides stability to children and their families who have been placed in housing outside the school district of their last permanent residence.

The goals and objectives are in the best interest of the County in terms of public safety as they are aimed at providing safe transportation from a competent bus company experienced in transporting school age children to and from their respective schools, and thereby lessen the problems and issues that may arise in these situations when families are uprooted as a result of homelessness.

The program will be monitored daily by DOT and DSS staff as each child and route is tracked to ensure the timely and safe arrival of the children. DSS provides a list of the children to the bus company and the bus company uses the list to track the attendance on each route. The bus company will report to DSS if there are any absences. DOT and DSS will communicate daily concerning any problems in routing and pick-up that may occur and follow up with the bus company. DOT and DSS will also monitor the performance of the transportation services to ensure compliance with contract terms. All County Bus, LLC will be paid by DSS based on invoices detailing the routes and time periods of service provided. The Department is pleased to report that the contractor has met the expectations pursuant to this agreement by providing the required service.

Except as specifically amended hereby, all other terms and conditions of the original agreement shall remain the same.

In view of the importance of this program to the County, we urge the adoption of the attached resolution.

APPROVED BOARD OF ACQUISITION CONTRACT # 193702 - OMAR VIEIRA, SECRETARY

RESOLUTION

Upon a communication from the Acting Commissioner of the Department of Transportation, and the Commissioner of the Department of Social Services, be it hereby

RESOLVED, that the County of Westchester, at its sole option, is hereby authorized to exercise the second of three options to extend a contract with All County Bus, LLC, 70 Fernbrook Street, Yonkers, New York 10705 for the transportation of homeless children housed in Westchester County School District Zones 1, 2 and 3 including the transportation services for children in foster care for court-mandated visits with their families in Westchester County Social Services District Offices for the period commencing on September 1, 2010 and terminating on August 31, 2011; and be it further

RESOLVED, that the amount of this contract extension shall be \$2,680,700 (\$1,106,320 for zone 1, \$1,277,429 for zone 2 and \$296,951 for zone 3) for a total contract amount not to exceed \$7,626,640 amount including the original contract, First Extension and this Extension; and be it further

RESOLVED, that this Contract is subject to County Appropriation; and be it further

RESOLVED, that this Agreement is also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such releases(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to re-negotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Contractor, then the Contractor shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further

RESOLVED, that except as specifically amended hereby, all other terms and conditions of the original agreement shall remain the same; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby empowered to execute any and all instruments and take such other actions as may reasonably be necessary to effectuate the purposes hereof.

| | |
|---------------------|---------------------------|
| Original Agreement | \$2,472,970 |
| The First Extension | \$2,472,970 |
| This Extension | <u>\$2,680,700</u> |
| Total | \$7,626,640 |

Account to be
Charged/Credited

| | Fund | Dept | Major Program, Program & Phase Or Unit | Object/ Sub-Object | Trust Account | Dollars |
|------|------|------|--|--------------------|---------------|-------------|
| 2010 | 101 | 22 | 8900 | 5630 | NA | \$ 893,567 |
| 2011 | 101 | 22 | 8900 | 5630 | NA | \$1,787,133 |

Budget Funding Year(s) 2010-2011 Start Date 9/1/10 End Date 8/31/11
(must match resolution)

Funding Source

\$2,680,700
(must match resolution)

Tax Dollars: 25%
State Aid: 25%
Federal Aid: 50%
Other NA

APPROVED BOARD OF ACQUISITION & CONTRACTING - 29-2010 - JOHANNY VIEIRA SECRETARY