

**63868**

DATE: June 25, 2018

TO: Board of Acquisition and Contract

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

RE: Authority to award each of five (5) contracts for transportation of pre-school children with special needs, each of which is for a specified program(s) or region(s), based on the proposals received in response to each individual request for proposal solicitation. The five (5) contracts described below will be awarded for the period September 1, 2018, through August 31, 2023.

---

Westchester County is mandated by Section 4410 of the New York State Education Law, and its implementing regulations in 8 NYCRR Part 200, and by Title IIA, Article 25 of the New York State Public Health Law, all as may be amended from time to time, to pay for education and transportation of children with special needs.

Pursuant to Section 6 of the Westchester County Procurement Policy, the County's Department of Health ("WCDH") issued a Request for Proposals ("RFPs") for a total of five (5) contracts for transportation of pre-school children with special needs, each of which is for the following specified program(s) or region(s):

<u>Contract No.</u>	<u>Program(s) / Region(s)</u>
WCDH E/T 545:	Guidance Center, New Rochelle
WCDH E/T 546:	JCC of Mid-Westchester Nursery School/Toward Tomorrow, Scarsdale
WCDH E/T 547:	Los Niños Services, Valhalla
WCDH E/T 548:	Westchester County Chapter NYSARC/CSED program locations in: Hawthorne, Ossining and Peekskill
WCDH E/T 549:	Westchester County Chapter NYSARC/CSED program locations in: Sleepy Hollow, Tarrytown and Tuckahoe

In addition to the WCDH placing the RFPs on the Westchester County website to be available for download by prospective proposers, the RFPs were mailed to several bus transportation companies currently contracting with and having contracted with the WCDH in the past.

As provided for in the RFPs, each solicited contract would be for a term from September 1, 2018 through August 31, 2023, subject to County appropriations.

As specified in RFPs, payments will be made on a per vehicle, per day basis; with the proposal amounts having been calculated based upon such costs for the first year of service (i.e., September 1, 2018 through August 31, 2019).

For contract years two through five, the amount payable per vehicle shall be adjusted annually based on fifty percent (50%) of the increase (but not the decrease) in the Consumer Price Index - Public Transportation based on data obtained from The United States Department of Labor's U.S. Cities Average Series ID: CUUR0000SETG.

As specified in RFPs, each awarded contract would require the operator to furnish performance security in a dollar amount equal to twenty percent (20%) of the 'subtotal' price for that contract (i.e., the contract cost for a school year and subsequent summer of services).

Proposals were received from Phoenix Transportation Services Inc. ("Phoenix"), All County Bus, LLC ("All County"), Royal Coach Lines, Inc. ("Royal Coach") and Astra Transportation Corp. ("Astra")

Phoenix's proposal was determined "ineligible" for consideration as failing to meet two material eligibility requirements of the RFP: 1.) that proposers "have a minimum of four school years' experience providing school related transportation to preschool age children with special needs during the seven years preceding this RFP, and 2.) that the operators' management may not have previously managed and/or owned the same or a similar transportation service firm that was in Chapter 9, Chapter 11 or Chapter 13 bankruptcy within the previous five years".

The remaining three proposals were reviewed, rated and ranked based on the evaluation criteria specified in the RFP, as indicated in Attachment "A". Astra was ranked first for WCDH Contracts E/T 545 and E/T 546, All County was ranked first for WCDH Contracts E/T 547 and E/T 549 and Royal Coach was ranked first for WCDH Contract E/T 548. All of the first ranked proposers were deemed to be responsive to all elements of the RFP and not only offered the lowest price but that would also best satisfy the interests of the County.

Accordingly, the County therefore wishes to award each contract, on the terms described above and otherwise included in the RFP specification, to the following bus transportation operators, for the specified amounts for the first year, and the specified consequent performance security amount:

<u>Contract No.</u>	<u>Operator</u>	<u>Not-Exceed 1<sup>st</sup> Year Price</u>	<u>Performance Security</u>
WCDH E/T 545	Astra Transportation Corp.	\$563,220	\$112,644
WCDH E/T 546	Astra Transportation Corp.	\$688,800	\$137,760
WCDH E/T 547	All County Bus, LLC	\$2,440,449	\$488,090
WCDH E/T 548	Royal Coach Lines, Inc.	\$1,160,520	\$232,104
WCDH E/T 549	All County Bus, LLC	\$829,200	\$165,840

The transportation services to be provided under the above specified contracts is in the best interests of the County in terms of public health, safety and welfare, as providing safe transportation, for approximately three hundred fifty (350) Westchester County children with special needs by enabling their daily participation in special needs programs.

The goal and objective of the above-specified contracts is in the best interests of the County in terms of public health and welfare, by allowing these children with special needs to receive appropriate services in accordance with their respective approved Individualized Education Plan (“IEP”) or Individualized Family Service Plan (“IFSP”), and do so in the child’s least restrictive setting/natural setting.

The goal and objective of the above-specified contracts will be tracked and monitored by the staff of WCDH, including through County pre-approval on all bus routes prior to implementation, random County inspections to ensure vehicle safety and staff compliance with applicable requirements and policies, and reviews of monthly billing to ensure the accuracy of submitted documentation.

I respectfully recommend the adoption of the attached resolution.

APPROVED BOARD OF ACQUISITION & CONTRACTS 7/19/2018  
J. G. MARIJAJ, SECRETARY

**RESOLUTION**

Upon a communication from the Commissioner of Health, it is hereby

**RESOLVED**, that the County of Westchester (the “County”) is hereby authorized to award each of the five (5) following contracts for transportation of pre-school children with special needs, to the operators specified below, as the first ranked proposers that were deemed to be responsive to all elements of the RFP, with each such contract being, a.) for a term from September 1, 2018 through August 31, 2023, subject to County appropriations, b.) for the respective program(s) or region(s) specified below, c.) for the respective not-to-exceed amount specified below for the first year of service, d.) for the respective performance security specified below, based upon the respective not-to-exceed amount for the first year of service, and e.) otherwise on the terms described in the RFP specification for each listed contract:

<b>Contract Number</b>	<b>Program(s)/Region</b>	<b>Company/Proposer</b>	<b>Not to Exceed Price – 1<sup>st</sup> Year</b>	<b>Security Amount</b>
WCDH E/T 545	Guidance Center, New Rochelle	Astra Transportation Corp.	\$563,220	\$112,644
WCDH E/T 546	JCC of Mid-Westchester Nursery School/Toward Tomorrow, Scarsdale	Astra Transportation Corp.	\$688,800	\$137,760
WCDH E/T 547	Los Niños Services, Valhalla	All County Bus, LLC	\$2,440,449	\$488,090
WCDH E/T 548	Westchester County Chapter NYSARC/CSED program locations in: Hawthorne, Ossining and Peekskill	Royal Coach Lines, Inc.	\$1,160,520	\$232,104
WCDH E/T 549	Westchester County Chapter NYSARC/CSED program locations in: Sleepy Hollow, Tarrytown and Tuckahoe	All County Bus, LLC	\$829,200	\$165,840

; and be it further

**RESOLVED**, that for contract years two through five, the amount payable per vehicle shall be adjusted annually based on fifty percent (50%) of the increase (but not the decrease) in the Consumer Price Index - Public Transportation based on data obtained from The United States Department of Labor’s U.S. Cities Average Series ID: CUUR0000SETG; and, be it further

**RESOLVED**, that each agreement is subject to County appropriations; and be it further

**RESOLVED**, that each 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 each 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 release(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 any or all of the agreements or to renegotiate the amounts and rates approved herein for any or all of the agreements. If the County subsequently offers to pay a reduced amount to the contractor for one or more of the agreements, then the contractor for each such agreement shall have the right to terminate such agreement upon reasonable prior written notice; and be it further

**RESOLVED**, that the County Executive or his duly authorized designee is hereby authorized to execute any documents and take any actions reasonably necessary and appropriate to effectuate the purposes of this Resolution.

<u>Fund</u>	<u>Dept</u>	<u>Major Program, Program &amp; Phase or Unit</u>	<u>Object/Sub-object</u>	<u>Trust Account</u>	<u>Dollars</u>	<u>Budget Year</u>
101	27	2700	4539		\$1,515,250	2018
101	27	2700	4541		\$378,813	2018
101	27	2700	4539		\$4,562,419	2019
101	27	2700	4541		\$1,140,605	2019
101	27	2700	4539		\$4,612,606	2020
101	27	2700	4541		\$1,153,151	2020
101	27	2700	4539		\$4,663,344	2021
101	27	2700	4541		\$1,165,836	2021
101	27	2700	4539		\$4,714,641	2022
101	27	2700	4541		\$1,178,660	2022
101	27	2700	4539		\$3,166,059	2023
101	27	2700	4541		\$791,515	2023

Budget Funding Year(s): 2018-2023 Start Date: 09/01/18 End Date: 08/31/23  
 (must match resolution)

Funding Source Tax Dollars (43%) \$12,488,447

State Aid (57%) \$16,554,452

Insurance \$0

**\$29,042,899** Federal Aid \_\_\_\_\_

(must match resolution)

**ATTACHMENT "A"**

Request for Proposals  
Qualified Providers of School Bus Transportation for Special Needs Children

**Proposer Respondents**

<b>Contract/Program</b>	<b>Bus Transporter/Operator</b>	<b>Score</b>	<b>Ranking</b>
WCDH E/T 545	Astra Transportation Corp.	88.75	1
WCDH E/T 546	Astra Transportation Corp.	88.75	1
WCDH E/T 547	All County Bus, LLC	91.25	1
WCDH E/T 548	Royal Coach Lines, Inc.	84.5	1
WCDH E/T 549	All County Bus, LLC	91	1

**E/T 545**

<b>Bus Transporter/Operator</b>	<b>Score</b>	<b>Ranking</b>
Astra Transportation Corp.	88.75	1
All County Bus, LLC	82	2
Royal Coach Lines, Inc.	64	3

**E/T 546**

<b>Bus Transporter/Operator</b>	<b>Score</b>	<b>Ranking</b>
Astra Transportation Corp.	88.75	1
All County Bus, LLC	81.75	2
Royal Coach Lines, Inc.	64.5	3

**E/T 547**

<b>Bus Transporter/Operator</b>	<b>Score</b>	<b>Ranking</b>
All County Bus, LLC	91.25	1
Royal Coach Lines, Inc.	72.75	2
Astra Transportation Corp.	N/A	

**E/T 548**

<b>Bus Transporter/Operator</b>	<b>Score</b>	<b>Ranking</b>
Royal Coach Lines, Inc.	84.5	1
All County Bus, LLC	79.5	2
Astra Transportation Corp.	N/A	

**E/T 549**

<b>Bus Transporter/Operator</b>	<b>Score</b>	<b>Ranking</b>
All County Bus, LLC	91	1
Royal Coach Lines, Inc.	74.5	2
Astra Transportation Corp.	N/A	