



George Latimer
County Executive

Department of Social Services

Kevin M. McGuire
Commissioner

71759

DATE: September 24, 2019

TO: Board of Acquisition and Contract

FROM: Kevin M. McGuire
Commissioner
Department of Social Services

SUBJECT: Authority to enter into:

- 1.) An emergency contract with All County Bus, LLC for transportation services for, a.) homeless pre-school and school-age children during the regular school year, b.) homeless pre-school and school-age children during summer school, and c.) homeless youth in extracurricular activities during both the regular school year and summer school; and
- 2.) An emergency contract with White Plains Bus Co., Inc. for transportation services for children placed in court-directed custody and children in foster care.

By a resolution approved on August 17, 2017, your Honorable Board authorized the County of Westchester ("County") to enter into an agreement with Phoenix Transportation Services Inc. ("Phoenix"), pursuant to which Phoenix was to provide the County with transportation services for, a.) homeless pre-school and school-age children during the regular school year, b.) homeless pre-school and school-age children during summer school, c.) homeless youth in extracurricular activities during both the regular school year and summer school, and d.) children placed in court-directed custody and children in foster care (collectively, the "Services"; the persons served, the "Children"), for the period from September 1, 2017 through August 31, 2022, for a total amount not-to-exceed \$14,700,594.50 (the "Phoenix Agreement").

Due to the sudden, and continuing, financial and operational difficulties experienced by Phoenix, the Department of Social Services ("DSS") believes that, going forward, it can no longer rely upon Phoenix to provide the Services under the Phoenix Agreement. However, the

County cannot go without the Services for any period of time.

In consultation with the Law Department, and based on the facts provided by the staff of DSS, it has been determined that this is a condition that was unforeseen, affects the life, health, and safety the inhabitants of the County, and requires immediate action that cannot await competitive bidding. Therefore, this situation meets the legal requirements for an emergency contract under Section 167.171(5) of the Laws of Westchester County and Section 103(4) of the New York General Municipal Law. In order to ensure that the Services will be provided to the Children without interruption, DSS declared an emergency by the memorandum, dated September 24, 2019, which I have submitted to your Honorable Board, in accordance with Section 167.171(3) of the Laws of Westchester County.

In response to this emergency, DSS solicited offers from four (4) vendors that customarily provide transportation services. DSS found that no single vendor could provide all of the Services. Accordingly, DSS has determined that the offers from All County Bus, LLC (“All County”) and White Plains Bus Co., Inc. (“White Plains Bus”), with each being for part of the Services, are most advantageous to the County. Both All County and White Plains Bus have previously performed satisfactory work for the County.

Accordingly, authority is requested from your Honorable Board for the County of Westchester (the “County”) to enter into the following emergency contracts (collectively, the “Emergency Contracts”):

- 1.) An emergency contract with All County, pursuant to which it will provide the County with transportation services for, a.) homeless pre-school and school-age children during the regular school year, b.) homeless pre-school and school-age children during summer school, and c.) homeless youth in extracurricular activities during both the regular school year and summer school, for the period from October 1, 2019 through February 29, 2020, for an amount not-to-exceed \$3,910,200.00, payable pursuant to an approved budget; and
- 2.) An emergency contract with White Plains Bus, pursuant to which it will provide the County with transportation services for children placed in court-directed custody and children in foster care, for the period from October 1, 2019 through February 29, 2020, for an amount not-to-exceed \$437,500.00, payable pursuant to an approved budget

The proposed Emergency Contracts will serve a public purpose by ensuring that the Children will be provided with the transportation services that they need while the County procures one or more longer-term replacement contracts for the Services.

The goal and objective of the proposed Emergency Contracts is to ensure that the Children will be provided with the transportation services that they need while the County procures one or more longer-term replacement contracts for the Services.

The goal and objective of the proposed Emergency Contracts is in the best interests of the

County in terms of public health and safety, as ensuring that the Children will be provided with the transportation services that they need, while the County procures one or more longer-term replacement contracts for the Services, will ultimately help safeguard the health and safety of the Children.

The goal and objective of the proposed Emergency Contracts will be tracked and monitored by the staff of DSS.

I respectfully recommend the adoption of the attached resolution.

KMM/BG/bdm/nn

APPROVED BOARD OF ACQUISITION & CONTRACT - 09/26/2019 - USA MRISAJ, SECRETARY

RESOLUTION

Upon a communication from the Commissioner of Social Services, be it hereby:

RESOLVED, that the County of Westchester (the "County") is hereby authorized to enter into the following emergency contracts:

- 1.) An emergency contract with All County Bus, LLC, pursuant to which it will provide the County with transportation services for, a.) homeless pre-school and school-age children during the regular school year, b.) homeless pre-school and school-age children during summer school, and c.) homeless youth in extracurricular activities during both the regular school year and summer school, for the period from October 1, 2019 through February 29, 2020, for an amount not-to-exceed \$3,910,200.00, payable pursuant to an approved budget; and
- 2.) An emergency contract with White Plains Bus Co., Inc., pursuant to which it will provide the County with transportation services for children placed in court-directed custody and children in foster care, for the period from October 1, 2019 through February 29, 2020, for an amount not-to-exceed \$437,500.00, payable pursuant to an approved budget;

and be it further

RESOLVED, that these agreements are subject to County appropriations; and be it further

RESOLVED, that these agreements are 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 these agreements. 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 one or both of these agreements or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to one or both of the contractors, then such contractor(s) shall have the right to terminate their respective agreements 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.

Account to be
Charged/Credited

	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
2019	101	22	8900	5630	-----	\$2,346,120
2019	101	22	8900	5880	-----	\$262,500
2020	101	22	8900	5630	-----	\$1,564,080
2020	101	22	8900	5880	-----	\$175,000

Budget Funding Year(s): 2019-20_ Start Date: 10/01/19 End Date: 02/28/20
 (must match resolution) 5630 5880
 Funding Source Tax Dollars: 0% 32%
 State Aid: 0% 38%
\$4,347,700.00 Federal Aid: 100% 30%
 (must match resolution) Other:

APPROVED BOARD OF ACQUISITION & CONTRACT - 02/26/2019 - LISA MARIJA SECRETARY