



George Latimer
County Executive

Department of Health

Sherlita Amler, M.D.
Commissioner

77835

DATE: July 8, 2020

TO: Board of Acquisition and Contract

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

SUBJECT: Resolution to exempt from the Westchester County Procurement Policy, pursuant to Section 3(a)(xxi) thereof, the procurement of an amendment to each of five (5) agreements, pursuant to each of which the contractor is to provide transportation of pre-school children with special needs for one (1) additional year, with modifications to the scope of services of two (2) of the five (5) agreements.

Authority is hereby requested from your Honorable Board to exempt from the Westchester County Procurement Policy, pursuant to Section 3(a)(xxi) thereof, the procurement by the County of Westchester (the "County") of an amendment to each of the Five Agreements (as defined below) for transportation of pre-school children with special needs, with each amendment extending the term of each agreement by one (1) year, such that each agreement would have a new expiration date of August 31, 2021, with modifications to the scope of services of two (2) of the five (5) agreements, as specified below.

By a resolution approved on May 14, 2015, your Honorable Board authorized the County of Westchester (the "County") to, among other things, enter into each of the following five (5) agreements (the "Five Agreements") for transportation of pre-school children with special needs, for the following program(s)/zone, with the following contractors, for the period from September 1, 2015 through August 31, 2020:

Contract Number	Program(s)/Zone	Contractor
WCDH E/T516	Alcott School, Scarsdale – Crane Road & Alcott School, Scarsdale – Fox Meadow Road	All County Bus, LLC

WCDH E/T518	Easter Seals of New York, Inc./Project Explore & Hawthorne Foundation, Inc./Hawthorne Country Day	All County Bus, LLC
WCDH E/T519	Greenburgh Central School District #7/Greenburgh Early Childhood Program & Union Child Day Care Center, Inc./Stepping Stones	All County Bus, LLC
WCDH E/T520	Guidance Center, Inc./Guidance Center, Mamaroneck & Mamaroneck Union Free School District/Mamaroneck Special Needs Pre-K	All County Bus, LLC
WCDH E/T521	Regional Transportation Needs - Central Regional Zone (8 sites)	Astra Transportation Corp.

Each of the Five Agreements was subsequently executed.

As noted above, the Five Agreements will all expire on August 31, 2020. However, if and when the programs specified above and the programs within the zone specified above return to in-person operation, the County will require transportation services for the children who were previously transported under the Five Agreements.

Accordingly, the Department of Health (“DOH”) issued a request for proposals, dated March 19, 2020, soliciting proposals for such transportation services, for a period of five (5) years, from September 1, 2020 through August 31, 2025 (the “RFP”). In response to the RFP, DOH did not receive any proposals. This is extremely unusual, as DOH has usually received submissions from several contractors in response to past competitive procurements for such services.

DOH believes that the lack of proposals is due to the impact of the COVID-19 pandemic. DOH believes that, if a request for proposals for such transportation services were issued again in the future, at a point when the impact of the COVID-19 pandemic had subsided, it would receive several competitive proposals. However, the speed at which the COVID-19 pandemic will subside is entirely uncertain. Accordingly, DOH is unable to reasonably speculate as to when a new, more successful request for proposals might be issued. That is problematic for DOH, as it needs to very soon establish contracts for these transportation services, due to the current difficulty involved in obtaining such services and the very significant amount of lead time that is needed to prepare for the possible start of such services on or about September 1, 2020.

Therefore, DOH believed that the most prudent course of action was to determine whether it would be possible to extend, by one (1) year, the existing Five Agreements, and DOH inquired with the contractors accordingly.

All County Bus, LLC (“All County”) has informed the County that it can agree to extend all four (4) of its agreements from the Five Agreements.

Astra Transportation Corp. (“Astra”) informed the County that it is only able to agree to extend WCDH E/T521 if one of the programs previously served under that contract is removed. DOH is agreeable to doing so.

The proposed amendment to each of the Five Agreements would extend the term of each

agreement by one (1) year, such that each agreement would have a new expiration date of August 31, 2021, and, for the additional period of services, modify the scope of services of, i.) WCDH E/T516 to eliminate “Alcott School, Scarsdale – Fox Meadow Road”, as it has permanently closed, and ii.) WCDH E/T521 to explicitly include “Los Ninos Hawthorne” and exclude ACDS Scarsdale with regard to the programs covered by the Central Regional Zone (collectively, the “Amendments”).

Based upon the foregoing, it is proposed that the best interests of the County would be served by exempting the procurement of the Amendments from the Westchester County Procurement Policy, pursuant to Section 3(a)(xxi) thereof. Accordingly, a resolution to exempt this procurement is hereby submitted for your consideration.

I respectfully recommend the adoption of the attached resolution.

SA/RR/bdm/nn

APPROVED BOARD OF ACQUISITION & CONTRACT - 01/16/2020

USA MARIJAS SECRETARY

RESOLUTION

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

RESOLVED, that pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy, it is hereby determined that application of the procedural requirements contained therein, including the necessity of soliciting proposals, is neither cost effective nor expedient, and accordingly, not in the best interests of the County of Westchester in connection with the procurement of amendments to the agreements specified below, which will, a.) extend the term of each of the agreements by one (1) year, such that each agreement shall have a new expiration date of August 31, 2021, and b.) for the additional period of services, modify the scope of services of, i.) WCDH E/T516 to eliminate “Alcott School, Scarsdale – Fox Meadow Road”, as it has permanently closed, and ii.) WCDH E/T521 to explicitly include “Los Ninos Hawthorne” and exclude ACDS Scarsdale with regard to the programs covered by the Central Regional Zone:

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WCDH E/T516	Alcott School, Scarsdale – Crane Road & Alcott School, Scarsdale – Fox Meadow Road	All County Bus, LLC
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WCDH E/T521	Regional Transportation Needs - Central Regional Zone (8 sites)	Astra Transportation Corp.

APPROVED BOARD OF COUNTY OFFICIALS CONTRACT 5/17/2021 USM/PAJ/SECRETARY