



George Latimer  
County Executive

Department of Health

Sherlita Amler, M.D.  
Commissioner

## 77869

DATE: July 8, 2020

TO: Board of Acquisition and Contract

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

SUBJECT: Authority to amend each of five (5) agreements, pursuant to each of which the contractor was to provide transportation of pre-school children with special needs, in order to, a.) extend the term of each agreement by one (1) year, to a new expiration date of August 31, 2021, b.) increase the not-to-exceed amount of each agreement in order to pay for the additional period of services, and c.) modify, for the additional period of services, the scope of services of two (2) of the five (5) agreements.

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	All County Bus, LLC

	Needs Pre-K	
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.

Therefore the County respectfully requests authority from your Honorable Board to amend each of the Five Agreements by, a.) extending the term of each agreement by one (1) year, such that each agreement shall have a new expiration date of August 31, 2021, b.) for the additional period of services, modifying the scope of services of, i.) WCDH E/T516 to eliminate “Alcott School, Scarsdale – Fox Meadow Road”, which has permanently closed, and ii.) WCDH E/T521 such that it shall be as specified below, c.) increasing the not-to-exceed amount of each of the Five Agreements by the respective amounts shown below, in order to pay for the

additional period of services, and d.) requiring, for the additional period of services, performance security in the respective amounts shown below (collectively, the “Amendments”):

<b>Contract Number</b>	<b>Program(s)/Zone</b>	<b>Contractor</b>	<b>Not-To-Exceed Amount For 9/1/20 - 8/31/21</b>	<b>Required Performance Security For 9/1/20 – 8/31/21 (10% of NTE Amount)</b>
WCDH E/T516	Alcott School, Scarsdale – Crane Road	All County	\$354,396.00	\$35,440.00
WCDH E/T518	Easter Seals of New York, Inc./Project Explore & Hawthorne Foundation, Inc./Hawthorne Country Day	All County	\$1,582,119.00	\$158,212.00
WCDH E/T519	Greenburgh Central School District #7/Greenburgh Early Childhood Program & Union Child Day Care Center, Inc./Stepping Stones	All County	\$793,162.00	\$79,316.00
WCDH E/T520	Guidance Center, Inc./Guidance Center, Mamaroneck & Mamaroneck Union Free School District/Mamaroneck Special Needs Pre-K	All County	\$246,368.00	\$24,637.00
WCDH E/T521	Regional Transportation Needs - Central Regional Zone (Multiple Sites: Clear View School, CSED White Plains, HASC, Keller Piermont, Los Ninos Hawthorne, Port Chester Therapeutic, Prime Time North Broadway White Plains & Thera Care Harrison; excludes ACDS Scarsdale)	Astra	\$1,534,208.00	\$153,421.00

Except as described above, all terms and conditions of the Five Agreements shall remain in full force and effect.

The proposed Amendments will serve a public purpose by continuing to provide transportation for children in Westchester County with special needs, so that they can safely travel to and from the programs in which they participate.

The goal and objective of the proposed Amendments is to continue to provide transportation for children in Westchester County with special needs, so that they can safely travel to and from the programs in which they participate.

The goal and objective of the proposed Amendments is in the best interests of the County in terms of public health and safety, as providing transportation to children in Westchester County with special needs, so that they can safely travel to and from the programs in which they participate, will allow these children to receive appropriate services in accordance with their respective approved Individualized Education Program (“IEP”), and do so in the child’s least restrictive setting.

The goal and objective of the proposed Amendments will be tracked and monitored by the staff of DOH.

Authority to exempt the procurement of the proposed Amendments from the requirements of the Westchester County Procurement Policy, pursuant to Section 3(a)(xxi) thereof, has been submitted to your Honorable Board by a separate resolution of even date herewith.

I respectfully recommend the adoption of the attached resolution.

SA/RR/bdm/nn

APPROVED BOARD OF ACQUISITION & CONTRACT - 07/16/2020 - LISA M. PAJ, SECRETARY

**RESOLUTION**

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

**RESOLVED**, that the County of Westchester (the “County”) is hereby authorized to amend each of the following 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:

<b>Contract Number</b>	<b>Program(s)/Zone</b>	<b>Contractor</b>
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<b>Contract Number</b>	<b>Program(s)/Zone</b>	<b>Contractor</b>	<b>Not-To-Exceed Amount For 9/1/20 - 8/31/21</b>	<b>Required Performance Security For 9/1/20 – 8/31/21 (10% of NTE Amount)</b>
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	Mamaroneck Union Free School District/Mamaroneck Special Needs Pre-K			
WCDH E/T521	Regional Transportation Needs - Central Regional Zone (Multiple Sites: Clear View School, CSED White Plains, HASC, Keller Piermont, Los Ninos Hawthorne, Port Chester Therapeutic, Prime Time North Broadway White Plains & Thera Care Harrison; excludes ACDS Scarsdale)	Astra Transportation Corp.	\$1,534,208.00	\$153,421.00

; and be it further

**RESOLVED**, that except as hereby authorized to be amended, all terms and conditions of the Five Agreements shall remain in full force and effect; 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.

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APPROVED BOARD OF ACQUISITION'S CONTRACT - 07/16/2020 - LISA MRIJAJ, SECRETARY

Account to be  
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars	Budget Year
101	27	2700	4539		\$1,202,734	2020
101	27	2700	4541		\$300,684	2020
101	27	2700	4539		\$2,405,468	2021
101	27	2700	4541		\$601,367	2021

Budget Funding Years	2020-2021	Start date	<u>09/01/2020</u>	End date	<u>08/31/2021</u>
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Funding Source	Tax dollars					
		43%	\$1,939,409			
	State aid	57%	\$2,570,844			
<b>4,510,253</b>	Insurance	0%				
(must match resolution)	Medicaid					

APPROVED BOARD OF ACQUISITION & CONTRACT - 07/16/2020 - LISA MRIJAJ SECRETARY