



George Latimer
County Executive

Department of Health

Sherlita Amler, M.D.
Commissioner

78158

DATE: August 14, 2020

TO: Board of Acquisition and Contract

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

SUBJECT: Authority to exempt from the Westchester County Procurement Policy, pursuant to Section 3(a)(xxi) thereof, the procurement of an amendment to an agreement with White Plains Bus Co., Inc., pursuant to which it will provide transportation services for pre-school children with special needs for one (1) additional year.

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 an agreement with White Plains Bus Co., Inc. ("WPB"), pursuant to which WPB was to provide transportation services for pre-school children with special needs for seven separate programs (the "Programs"), for the period from October 21, 2019 through August 31, 2020, (the "Agreement") with the amendment, a.) extending the term of Agreement by one (1) year, such that it would have a new expiration date of August 31, 2021, and b.) for the additional period of services, modifying the scope of services of the Agreement to limit it to only the "Easter Seals – Project Soar" and "CSED – Katonah CCC The White House" programs (the "Amendment").

By a resolution approved on September 26, 2019, your Honorable Board authorized the County to enter into the Agreement. The Agreement was subsequently executed.

As noted above, the Agreement will expire on August 31, 2020. However, if and when one or more of the Programs returns to in-person operation, the County will require transportation services for the children who were previously transported under the Agreement.

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 Agreement, and DOH inquired with WPB accordingly.

WPB has informed the County that it can agree to extend the Agreement, under certain agreed-upon financial terms, but only with a modification of the scope of services of the Agreement to limit it to only the “Easter Seals – Project Soar” and “CSED – Katonah CCC The White House” programs for the additional period of services.

Accordingly, the proposed Amendment to the Agreement would, as noted above, a.) extend its term by one (1) year, such that it would have a new expiration date of August 31, 2021, and b.) for the additional period of services, modify the scope of services of the Agreement to limit it to only the “Easter Seals – Project Soar” and “CSED – Katonah CCC The White House” programs.

Based upon the foregoing, it is proposed that the best interests of the County would be served by exempting the procurement of the proposed Amendment 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/MY/bdm/nn

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 an amendment to an agreement with White Plains Bus Co., Inc. (“WPB”), pursuant to which WPB was to provide transportation services for pre-school children with special needs for seven separate programs, for the period from October 21, 2019 through August 31, 2020, (the “Agreement”) with the amendment, a.) extending the term of Agreement by one (1) year, such that it would have a new expiration date of August 31, 2021, and b.) for the additional period of services, modifying the scope of services of the Agreement to limit it to only the “Easter Seals – Project Soar” and “CSED – Katonah CCC The White House” programs.

APPROVED BOARD OF ACQUISITION & CONTRACT ADMINISTRATION SECRETARY