



George Latimer
County Executive

Department of Health

Sherlita Amler, M.D.
Commissioner

78163

DATE: August 14, 2020

TO: Board of Acquisition and Contract

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

SUBJECT: Authority to amend an agreement with White Plains Bus Co., Inc., pursuant to which it was to provide transportation services for pre-school children with special needs, by, a.) extending its term by one (1) year, to a new expiration date of August 31, 2021, 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, c.) increasing its not-c, in order to pay for the additional period of services, and d.) modifying the terms of payment under the agreement in order to provide for certain payments to the contractor in the event that, in the future, the Governor of the State of New York orders the closure, due to COVID-19, of all schools and school programs for which the contractor provides transportation services under the agreement.

By a resolution approved on September 26, 2019, your Honorable Board authorized the County of Westchester (the “County”) to enter into 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 (collectively, the “Programs”), for the period from October 21 2019 through August 31, 2020, for a total amount not-to-exceed \$2,149,875.00 (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, but only if, a.) the County will agree to modify the terms of payment under the Agreement in order to provide for certain payments in the event that, in the future, the Governor of the State of New York orders the closure, due to COVID-19, of all schools and school programs for which WPB is to provide transportation services under the Agreement, and b.) the scope of services of the Agreement is modified to limit it to only the “Easter Seals – Project Soar” and “CSED – Katonah CCC The White House” programs for the additional period of services. The County is agreeable to making those modifications to the Agreement for the additional period of services.

Therefore the County respectfully requests authority from your Honorable Board to amend the Agreement by, a.) extending its term by one (1) year, such that the Agreement shall have a new expiration date of August 31, 2021, 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, c.) increasing its not-to-exceed amount by \$2,149,875.00, in order to pay for the additional period of services, and d.) modifying the terms of payment under the Agreement in order to specify that, effective September 1, 2020, in the event that, in the future, the Governor of the State of New York issues an executive order that requires the closure, due to COVID-19, of all schools and school programs for which transportation services are provided by WPB under the Agreement, WPB shall be paid, for each school day for the duration of such ordered closure, an amount equal to forty percent (40%) of the amount to which WPB was entitled for the services it provided on the last school day prior to the beginning of such ordered closure; provided, however, that such amounts shall only be paid by the County to the extent that they will be used by WPB for costs associated with WPB

maintaining readiness to resume providing services upon the end of such ordered closure (the “Amendment”).

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

The proposed Amendment 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 Amendment 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 Amendment 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 each child to receive appropriate services in accordance with each child’s respective approved Individualized Education Program, and do so in the child’s least restrictive setting.

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

Authority to exempt the procurement of the proposed Amendment 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/MY/bdm/nn

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 its 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, for a total amount not-to-exceed \$2,149,875.00, (the “Agreement”) by, a.) extending its term by one (1) year, such that the Agreement shall have a new expiration date of August 31, 2021, 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, c.) increasing its not-to-exceed amount by \$2,149,875.00, in order to pay for the additional period of services, and d.) modifying the terms of payment under the Agreement in order to specify that, effective September 1, 2020, in the event that, in the future, the Governor of the State of New York issues an executive order that requires the closure, due to COVID-19, of all schools and school programs for which transportation services are provided by WPB under the Agreement, WPB shall be paid, for each school day for the duration of such ordered closure, an amount equal to forty percent (40%) of the amount to which WPB was entitled for the services it provided on the last school day prior to the beginning of such ordered closure; provided, however, that such amounts shall only be paid by the County to the extent that they will be used by WPB for costs associated with WPB maintaining readiness to resume providing services upon the end of such ordered closure; and be it further

RESOLVED, that except as hereby authorized to be amended, all terms and conditions of the Agreement 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.

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		\$573,300	2020
101	27	2700	4541		\$143,325	2020
101	27	2700	4539		\$1,146,600	2021
101	27	2700	4541		\$286,650	2021

Budget Funding Year(s): 2020-2021
08/31/21

Start Date: 09/01/20 End Date:

(must match resolution)

Funding Source

\$2,149,875.00

(must match resolution)

Tax Dollars: \$924,446.25

State Aid: \$1,225,428.75

Federal Aid: _____

Other: _____

APPROVED BOARD OF ACQUISITION & CONTRACTS - 08/20/2020 - LISA MARIJAJ, SECRETARY