



George Latimer  
County Executive

Department of Health

Sherlita Amler, M.D.  
Commissioner

## 78655

DATE: August 12, 2020

TO: Board of Acquisition and Contract

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

SUBJECT: Amending a resolution that authorized the County to amend each of five (5) agreements, pursuant to each of which the contractor was to provide transportation services for pre-school children with special needs, by authorizing the County to modify, through each of the authorized amendments, the terms of payment under each of the five (5) agreements in order to provide for certain payments to each 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 each contractor provides transportation services.

By a resolution approved on July 16, 2020 (the “Original Resolution”), your Honorable Board authorized the County of Westchester (the “County”) to amend each of the following five (5) agreements (the “Five Agreements”) for transportation services for pre-school children with special needs, by, a.) extending the term of each of the Five Agreements by one (1) year, such that each agreement will have a new expiration date of August 31, 2021, b.) modifying the scope of work of contracts E/T516 and E/T521, c.) increasing the not-to-exceed amount of each of the Five Agreements by a specified amount, in order to pay for the additional period of services, and d.) requiring, for the additional period of services, specified performance security (collectively, the “Amendments”):

Contract Number	Existing Program(s)/Zone Under the Current Agreements	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.

The Amendments have not yet been executed.

The Department of Health (“DOH”) has determined that, in addition to the modifications specified in the Original Resolution, each of the Five Agreements should also be amended in order to modify their respective terms of payment. Specifically, DOH believes that each of the Five Agreements should be amended in order to provide for certain payments to each 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 each contractor provides transportation services.

Accordingly, the County respectfully requests that your Honorable Board amend the Original Resolution by adding, between its existing second and third ‘resolved’ clauses, the following additional ‘resolved’ clause:

“RESOLVED, that, under each of the Amendments, the County shall agree to amend each agreement 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 a contractor, the contractor 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 the contractor was entitled for the services the contractor 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 the contractor for costs associated with it maintaining readiness to resume providing services upon the end of such ordered closure; and be it further”

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

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 resolution approved on July 16, 2020 (the “Original Resolution”), which authorized the County of Westchester (the “County”) to amend each of the following five (5) agreements (the “Five Agreements”) for transportation services for pre-school children with special needs, by, a.) extending the term of each of the Five Agreements by one (1) year, such that each agreement will have a new expiration date of August 31, 2021, b.) modifying the scope of work of WCDH E/T516 and WCDH E/T521, c.) increasing the not-to-exceed amount of each of the Five Agreements by a specified amount, in order to pay for the additional period of services, and d.) requiring, for the additional period of services, specified performance security (collectively, the “Amendments”):

<b>Contract Number</b>	<b>Existing Program(s)/Zone Under the Current Agreements</b>	<b>Contractor</b>
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
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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.

is hereby amended by adding to the Original Resolution, between its existing second and third ‘resolved’ clauses, the following additional ‘resolved’ clause:

“RESOLVED, that, under each of the Amendments, the County shall agree to amend each agreement 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 a contractor, the contractor 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 the contractor was entitled for the services the contractor 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 the contractor for costs associated with it maintaining readiness to resume providing services upon the end of such ordered closure; and be it further”

; and be it further

**RESOLVED**, that except as hereby authorized to be amended, all terms and conditions of the Original Resolution 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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Account to be  
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
N/A					

Budget Funding Year(s): \_\_\_\_\_ Start Date: 09/01/20 End Date: 08/31/21  
(must match resolution)

Funding Source \_\_\_\_\_ Tax Dollars: \_\_\_\_\_  
(must match resolution) State Aid: \_\_\_\_\_  
Federal Aid: \_\_\_\_\_  
Other: \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT - 08/20/2020 - LISA M. HAJ, SECRETARY