



George Latimer  
County Executive

Department of Health

Sherlita Amler, M.D.  
Commissioner

**78667**

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 agreement with Phillip Trans. Corp, pursuant to which it will provide transportation services for pre-school children with special needs, for the period from September 1, 2020 through August 31, 2021.

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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 agreement with Phillip Trans. Corp ("Phillip"), pursuant to which Phillip will provide transportation services for pre-school children with special needs for the ACDS Scarsdale and Cerebral Palsy of Westchester, Inc./United Preschool Center programs, for the period from September 1, 2020 through August 31, 2021 (the "Agreement").

The ACDS Scarsdale program and the Cerebral Palsy of Westchester, Inc./United Preschool Center program are currently included within the scope of work of contract E/T521 and E/T517, respectively. However, those agreements will expire on August 31, 2020. If and when one or both of the programs returns to in-person operation, the County will require transportation services for the children in that program who were previously transported under E/T521 and E/T517.

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 first reached out to the existing contractor for E/T521 and E/T517—Astra Transportation Corp. (“Astra”)—to determine whether it would be possible to extend, by one (1) year, those existing agreements, and thereby provide service to the above-specified programs.

However, as noted in the resolution approved on July 16, 2020 (the “July 16th Resolution”), Astra was only able to agree to extend E/T521 if the ACDS Scarsdale program were, for the extension period, excluded from the list of programs to be served. DOH was agreeable to doing so, and the July 16th Resolution reflected that fact accordingly.

Prior to the submission of the July 16th Resolution, DOH also inquired with Astra to determine whether it would be able to agree to extend, by one (1) year, the term of contract number DOH E/T517. Astra advised DOH that it was unable to agree to such an extension.

Therefore, DOH has had to search the marketplace for available transportation services both for children who attend the ACDS Scarsdale program, now that it is excluded from E/T521 and for children who attend the Cerebral Palsy of Westchester, Inc./United Preschool Center program, since E/T517 will not be extended.

In order to search the marketplace, DOH worked to assemble a list of nine (9) potential contractors that might still have transportation capacity available for the coming school year. DOH inquired with each of those contractors about the required services and requested a response, including pricing, from any contractor that determined that it could perform those services. Those inquiries yielded a response and current offer from Phillip.

DOH reviewed and analyzed the response from Phillip and determined that it would be most prudent for DOH to recommend that the County enter into an agreement with Phillip for transportation services for pre-school children with special needs for the ACDS Scarsdale and Cerebral Palsy of Westchester, Inc./United Preschool Center programs, for the period from September 1, 2020 through August 31, 2021.

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

I respectfully recommend the adoption of the attached resolution.

SA/AM/bdm/nn

APPROVED BOARD OF ACQUISITION & CONTRACT - 08/20/2020 - LISA MRISAJ, 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 an agreement with Phillip Trans. Corp ("Phillip"), pursuant to which Phillip will provide transportation services for pre-school children with special needs for the ACDS Scarsdale and Cerebral Palsy of Westchester, Inc./United Preschool Center programs, for the period from September 1, 2020 through August 31, 2021.

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APPROVED BOARD OF ACQUISITION & CONTRACT - 08/20/20  
DISTRICT SECRETARY