



George Latimer  
County Executive

Department of Health

Sherlita Amler, M.D.  
Commissioner

**78669**

DATE: August 14, 2020

TO: Board of Acquisition and Contract

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

SUBJECT: Authority to enter into 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, for an amount not-to-exceed \$8,093,400.00.

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Authority is requested for the County of Westchester (the "County") to enter into 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, for an amount not-to-exceed \$8,093,400.00, with the requirement for performance security in the amount of \$809,340.00 (the "Agreement").

Under the Agreement, 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 Phillip under the Agreement, Phillip 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 Phillip 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 Phillip for costs associated with Phillip maintaining readiness to resume providing services upon the end of such ordered closure.

The proposed Agreement will serve a public purpose by providing transportation for pre-school 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 Agreement is to provide transportation for pre-school 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 Agreement is in the best interests of the County in terms of public health and safety, as providing transportation to pre-school 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, and do so in the child's least restrictive setting.

The goal and objective of the proposed Agreement will be tracked and monitored by the staff of Department of Health.

Authority to exempt the procurement of the proposed Agreement 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/AM/bdm/nn

APPROVED BOARD OF ACQUISITION & CONTRACT ADMINISTRATION 08/20/2019 SA/AM/PIJAJ, 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 enter into 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, for an amount not-to-exceed \$8,093,400.00, with the requirement for performance security in the amount of \$809,340.00 (the "Agreement"); and be it further

**RESOLVED**, that, under the Agreement, 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 Phillip under the Agreement, Phillip 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 Phillip 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 Phillip for costs associated with Phillip maintaining readiness to resume providing services upon the end of such ordered closure; and be it further

**RESOLVED** that this Agreement is subject to County appropriations; and be it further

**RESOLVED**, that this Agreement is also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Contractor, then the Contractor shall have the right to terminate this Agreement upon reasonable prior written notice; 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

<u>Fund</u>	<u>Dept</u>	<u>Major Program, Program &amp; Phase Or Unit</u>	<u>Object/ Sub- Object</u>	<u>Trust Account</u>	<u>Dollars</u>	<u>Budget Year</u>
101	27	2700	4539		2,697,800	2020
101	27	2700	4539		5,395,600	2021

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

Start Date: 09/01/20 End Date:

Funding Source  
\$8,093,400.00  
(must match resolution)

Tax Dollars: 3,277,827  
State Aid: 4,815,573  
Federal Aid: \_\_\_\_\_  
Other: \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & COMMERCE - 08/20/2020 - LISA MALIK, SECRETARY