



George Latimer
County Executive

Department of Health

Sherlita Amler, M.D.
Commissioner

78677

DATE: August 18, 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 MAT Bus 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.

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 MAT Bus Corp. ("MAT Bus"), pursuant to which MAT Bus will provide transportation services for pre-school children with special needs for the "Family Services of Westchester, Inc./Prime Time - North Street", "Family Services of Westchester, Inc./Prime Time - Fisher Avenue", "CSED - Mount Kisco/Boys & Girls Club", "CSED - Mount Kisco/Child Care" and "Thera Care - Bright Beginnings/Yorktown" programs (the "Programs"), for the period from September 1, 2020 through August 31, 2021 (the "Agreement").

The "Family Services of Westchester, Inc./Prime Time - North Street" and "Family Services of Westchester, Inc./Prime Time - Fisher Avenue" programs are currently included within the scope of work of contract E/T517 and the "CSED - Mount Kisco/Boys & Girls Club", "CSED - Mount Kisco/Child Care" and "Thera Care - Bright Beginnings/Yorktown" programs are currently included within the scope of work of contract E/T555. However, those agreements will expire on August 31, 2020. 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 E/T517 and E/T555.

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/T517—Astra Transportation Corp. (“Astra”)—and the existing contractor for E/T555—White Plains Bus Co., Inc. (“WPB”)—to determine whether it would be possible to extend, by one (1) year, those existing agreements, and thereby provide service to the Programs.

Astra advised DOH that it was unable to agree to such an extension of E/T517. WPB advised DOH that it was unable to agree to an extension of E/T555 with all of the same programs included, due to transportation capacity limitations. As a result, the “CSED - Mount Kisco/Boys & Girls Club”, “CSED - Mount Kisco/Child Care” and “Thera Care - Bright Beginnings/Yorktown” programs were excluded from the proposed extension of E/T555.

Therefore, DOH has had to search the marketplace for available transportation services for children who attend the Programs,

In order to search the marketplace, DOH has repeatedly inquired with various potential contractors that might still have transportation capacity available for the coming school year and, therefore, be able to provide transportation services for the children who attend the Programs. Those inquiries ultimately yielded the current offer from MAT Bus for the Programs.

DOH reviewed and analyzed the current offer from MAT Bus and determined that it would be most prudent for DOH to recommend that the County enter into an agreement with MAT Bus for transportation services for pre-school children with special needs for the 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/MY/bdm/nm

APPROVED BOARD OF ACQUISITION & CONTRACT - 08/20/2020 - LISA MRIJAJ, 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 MAT Bus Corp. ("MAT Bus"), pursuant to which MAT Bus will provide transportation services for pre-school children with special needs for the "Family Services of Westchester, Inc./Prime Time - North Street", "Family Services of Westchester, Inc./Prime Time - Fisher Avenue", "CSED - Mount Kisco/Boys & Girls Club", "CSED - Mount Kisco/Child Care" and "Thera Care - Bright Beginnings/Yorktown" programs, for the period from September 1, 2020 through August 31, 2021.

APPROVED BOARD OF ACQUISITION & CONTRACT ADMINISTRATION SECRETARY