



George Latimer
County Executive

Department of Health

Sherlita Amler, M.D.
Commissioner

78704

DATE: August 12, 2020

TO: Board of Acquisition and Contract

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

SUBJECT: Authority to amend each of fourteen (14) agreements, pursuant to each of which the contractor was to provide transportation services for pre-school children with special needs, by modifying the terms of payment under each of the 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.

Collectively, by resolutions approved on July 13, 2017, July 19, 2018, and June 6, 2019, your Honorable Board authorized the County of Westchester (the "County") to, among other things, enter into each of the following fourteen (14) agreements (the "Current Agreements") for transportation services for pre-school children with special needs, for the following program(s) with the following contractors, for the following periods:

Contract Number	Contractor	Program(s)	Term
E/T528	Astra Transportation Corp.	Blythedale Children's Hospital, Valhalla	9/1/17 – 8/31/22
E/T531	Royal Coach Lines, Inc.	Elizabeth Seton Children's School/John A. Coleman School, White Plains	9/1/17 – 8/31/22
E/T538	TLC Transportation Corp. of Westchester	Westchester School For Special Children, Yonkers	9/1/17 – 8/31/22
E/T539	TLC Transportation Corp. of Westchester	WestCOP Therapeutic Nursery, Granite Springs	9/1/17 – 8/31/22
E/T545	Astra Transportation Corp.	Guidance Center, New Rochelle	9/1/18 – 8/31/23
E/T546	Astra Transportation Corp.	JCC of Mid-Westchester Nursery	9/1/18 – 8/31/23

		School/Toward Tomorrow, Scarsdale	
E/T547	All County Bus, LLC	Los Niños Services, Valhalla	9/1/18 – 8/31/23
E/T548	Royal Coach Lines, Inc.	CSED Hawthorne and Ossining	9/1/18 – 8/31/23
E/T549	All County Bus, LLC	CSED Sleepy Hollow, Tarrytown, Tuckahoe	9/1/18 – 8/31/23
E/T550	Astra Transportation Corp.	Alcott School, Dobbs Ferry	9/1/19 – 8/31/24
E/T551	Astra Transportation Corp.	Ames Early Childhood Learning Center, Yonkers	9/1/19 – 8/31/24
E/T552	All County Bus, LLC	Fred S. Keller School, White Plains	9/1/19 – 8/31/24
E/T553	Astra Transportation Corp.	Fred S. Keller School, Yonkers	9/1/19 – 8/31/24
E/T554	All County Bus, LLC	Regional - Southern Zone, including Birch, City Pro, Clarke, PSSLLC, RTES	9/1/19 – 8/31/24

Each of the Current Agreements was subsequently executed.

The Department of Health (“DOH”) has determined that each of the Current Agreements should be amended in order to modify their respective terms of payment. Specifically, DOH believes that each of the Current 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 authority from your Honorable Board to amend each of the Current Agreements by modifying the terms of payment under each of the Current Agreements (collectively, the “Amendments”) 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 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.

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

The proposed Amendments will serve a public purpose by helping ensure that the County’s contractors for transportation services for children with special needs will maintain readiness such that they can resume providing services upon the end of an ordered closure, and thereafter provide children with safe transportation to and from the programs in which they participate.

The goal and objective of the proposed Amendments is to help ensure that the County’s contractors for transportation services for children with special needs will maintain readiness such that they can resume providing services upon the end of an ordered closure, and thereafter provide children with safe transportation to and from the programs in which they participate.

The goal and objective of the proposed Amendments is in the best interests of the County in terms of public health and safety, as ensuring the future availability of safe transportation services for 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 Amendments will be tracked and monitored by the staff of DOH.

I respectfully recommend the adoption of the attached resolution.

SA/MY/bdm/nn

APPROVED BOARD OF ACQUISITION & CONTRACT - 08/20/2020 - LIS/MRIJAS 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 amend each of the following fourteen (14) agreements (the “Current Agreements”) for transportation services for pre-school children with special needs, for the following program(s), with the following contractors, for the following periods, in order to modify the terms of payment under each of the Current Agreements, such that each will 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;

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; and be it further

RESOLVED, that except as hereby authorized to be amended, all terms and conditions of each of the Current Agreements 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
N/A					

Budget Funding Year(s): 2020-2024 Start Date: 09/01/20 End Date: 08/31/24
 (must match resolution)

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

APPROVED BOARD OF ACQUISITION & CONTRACT - 08/20/2020 - USA MARIJAJ, SECRETARY