



George Latimer
County Executive

Department of Health

Sherlita Amler, M.D.
Commissioner

79140

DATE: August 30, 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 an agreement with White Plains Bus Co., Inc. for transportation services for pre-school children with special needs in order to extend the term of the agreement by one (1) year, modify the scope of work of the agreement, increase the not-to-exceed amount of the agreement, and modify the terms of payment of the agreement, by now adding an authorization to make an additional modification to the terms of payment for the agreement.

By a resolution approved on August 20, 2020 (the “August 20th Resolution”), your Honorable Board authorized the County of Westchester (the “County”) to amend an agreement with White Plains Bus Co., Inc. (“WPB”), pursuant to which WPB was to provide transportation services for pre-school children with special needs, (the “Agreement”) by modifying the terms of payment under the Agreement 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 WPB under the Agreement, WPB 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 WPB 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 WPB for costs associated with WPB maintaining readiness to resume providing services upon the end of such ordered closure. The authorized amendment has not yet been executed.

The Department of Health (“DOH”) recommends that the Agreement be amended in

order to further modify its terms of payment. Specifically, DOH believes that the Agreement should be amended in order to specify that, effective September 1, 2020, in the event that a program to be served under the Agreement modifies its schedule, due to COVID-19, such that it will operate in-person for only four (4) days of the five (5) days per regular week, WPB will be paid at a rate of one hundred and twenty percent (120%) of the authorized round-trip rate for that program for each round-trip on each day WPB transports students during each regular week that the program has such reduced in-person operation; provided, however, that this higher rate shall only be paid by the County to the extent that the additional payment will be used by WPB for costs associated with it maintaining readiness to provide the transportation services for such program for five (5) days per regular week. Such an amendment to the Agreement would help ensure that WPB can maintain readiness to provide transportation services despite the twenty percent (20%) reduction in DOH's transportation needs for a given program that would result from the number of days of in-person operation being reduced from five (5) to four (4).

Therefore, DOH respectfully requests that your Honorable Board amend the August 20th Resolution by adding, between its existing first and second 'RESOLVED' clauses, a new 'RESOLVED' clause that will read as follows:

"RESOLVED, that the County is also authorized to amend the Agreement, in order to modify the terms of payment under the Agreement, such that it will specify that, effective September 1, 2020, in the event that a program to be served under the Agreement modifies its schedule, due to COVID-19, such that it will operate in-person for only four (4) days of the five (5) days per regular week, WPB will be paid at a rate of one hundred and twenty percent (120%) of the authorized round-trip rate for that program for each round-trip on each day WPB transports students during each regular week that the program has such reduced in-person operation; provided, however, that this higher rate shall only be paid by the County to the extent that the additional payment will be used by WPB for costs associated with it maintaining readiness to provide the transportation services for such program for five (5) days per regular week; and be it further"

Except as described above, all terms and conditions of the August 20th 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 August 20, 2020, which authorized the County of Westchester (the "County") to amend its agreement with White Plains Bus Co., Inc. ("WPB") for transportation services for pre-school children with special needs (the "Agreement") by, a.) extending its term by one (1) year, such that the Agreement will have a new expiration date of August 31, 2021, b.) modifying the scope of work of the Agreement, c.) increasing the not-to-exceed amount of the Agreement by a specified amount, in order to pay for the additional period of services, and d.) modifying the terms of payment under the Agreement, (the "August 20th Resolution") is hereby amended by adding, between its existing first and second 'RESOLVED' clauses, a new 'RESOLVED' clause that reads as follows:

"RESOLVED, that the County is also authorized to amend the Agreement, in order to modify the terms of payment under the Agreement, such that it will specify that, effective September 1, 2020, in the event that a program to be served under the Agreement modifies its schedule, due to COVID-19, such that it will operate in-person for only four (4) days of the five (5) days per regular week, WPB will be paid at a rate of one hundred and twenty percent (120%) of the authorized round-trip rate for that program for each round-trip on each day WPB transports students during each regular week that the program has such reduced in-person operation; provided, however, that this higher rate shall only be paid by the County to the extent that the additional payment will be used by WPB for costs associated with it maintaining readiness to provide the transportation services for such program for five (5) days per regular week; and be it further"

; and be it further

RESOLVED, that except as hereby amended, all terms and conditions of the August 20th 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.

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: _____
State Aid: _____
(must match resolution) Federal Aid: _____
Other: _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 09/03/2020 - LISA MRIJAJ, SECRETARY