

George Latimer
County Executive

Department of Health

Sherlita Amler, M.D.
Commissioner

87061

DATE: September 10, 2021

TO: Board of Acquisition and Contract

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

SUBJECT: Authority to amend an agreement with White Plains Bus Co., Inc., pursuant to which it was to provide transportation services for pre-school children with special needs, by modifying the terms of payment under the agreement in order to add a new provision for certain payments to the contractor in the event that one or more schools or school programs for which transportation services are provided by the contractor is closed and/or conducts only remote learning for a period of at least five (5) consecutive scheduled school days due to COVID-19.

By a resolution approved on September 26, 2019, your Honorable Board authorized the County of Westchester (the "County") to enter into 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, for certain schools and school programs, for the period from October 21, 2019 through August 31, 2020, for a total amount not-to-exceed \$2,149,875.00 (the "Original Agreement"). The Original Agreement was subsequently executed.

By a resolution approved on August 20, 2020, as amended by a resolution approved on September 3, 2020, your Honorable Board authorized the County to amend the Original Agreement by, a.) extending its term by one (1) year, such that the Original Agreement would have a new expiration date of August 31, 2021, b.) for the additional period of services, modifying the scope of services of the Original Agreement to limit it to only the "Easter Seals – Project Soar" and "CSED – Katonah CCC The White House" programs, c.) increasing its not-to-exceed amount by \$2,149,875.00, in order to pay for the additional period of services, and d.) modifying the terms of payment under the Original Agreement such that it would provide for payment to WPB, i.) in the event 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, and ii.) in the event that a program to be served the Original 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 (the “First Amendment”). The First Amendment was subsequently executed.

The Department of Health (“DOH”) has determined that the Original Agreement, as modified by the First Amendment, (the “Agreement”) should be amended in order to modify its terms of payment. Specifically, DOH believes that the Agreement should be amended in order to add a new provision for certain payments to WPB in the event that one or more schools or school programs for which transportation services are provided by WPB is closed and/or conducts only remote learning for a period of at least five (5) consecutive scheduled school days due to COVID-19.

Accordingly, the County respectfully requests authority from your Honorable Board to amend the Agreement by modifying the terms of payment under the Agreement (collectively, the “Second Amendment”) in order to specify that, effective September 1, 2020, in the event that one or more schools or school programs for which transportation services are provided by WPB is closed and/or conducts only remote learning for a period of at least five (5) consecutive scheduled school days due to COVID-19, WPB shall be paid, for each scheduled school day for such schools or school programs, for the duration of such period, an amount equal to forty percent (40%) of the amount to which WPB was entitled for the services WPB provided for such schools or school programs on the last school day prior to the beginning of such period; 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 it maintaining readiness to resume providing services upon the end of such period.

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

The proposed Second Amendment will serve a public purpose by helping ensure that WPB will, during a covered closure or period of only remote learning, maintain its readiness to provide services under the Agreement, such that it can resume providing such services upon the end of such a closure or period of only remote learning, and thereafter provide children with safe transportation to and from the programs in which they participate.

The goal and objective of the proposed Second Amendment is to help ensure that WPB will, during a covered closure or period of only remote learning, maintain its readiness to provide services under the Agreement, such that it can resume providing such services upon the end of such a closure or period of only remote learning, and thereafter provide children with safe transportation to and from the programs in which they participate.

The goal and objective of the proposed Second Amendment 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 Second Amendment 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 - 09/23/2021 - RAYMOND SCULKY, 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 its agreement with White Plains Bus Co., Inc. ("WPB"), pursuant to which WPB was to provide transportation services for pre-school children with special needs, for certain schools and school programs, for the period from October 21, 2019 through August 31, 2021, (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 one or more schools or school programs for which transportation services are provided by WPB is closed and/or conducts only remote learning for a period of at least five (5) consecutive scheduled school days due to COVID-19, WPB shall be paid, for each scheduled school day for such schools or school programs, for the duration of such period, an amount equal to forty percent (40%) of the amount to which WPB was entitled for the services WPB provided for such schools or school programs on the last school day prior to the beginning of such period; 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 it maintaining readiness to resume providing services upon the end of such period; and be it further

RESOLVED, that except as hereby authorized to be amended, all terms and conditions of the Agreement 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.

APPROVED BOARD OF ACQUISITION & CONTRACT 09/23/2021

RAYMOND S. BUCK SECRETARY

<u>Account to be Charged/Credited</u>	<u>Fund</u>	<u>Dept</u>	<u>Major Program, Program & Phase or Unit</u>	<u>Object/S ub-object</u>	<u>Trust Account</u>	<u>Dollars</u>	<u>Budget Year</u>

Budget Funding Years	2019-21	Start date	<u>09/01/2020</u>	End date	<u>08/31/2021</u>
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Funding Source	Tax dollars					
	State aid					
	Insurance					
(must match resolution)	Medicaid					

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