

**34274**

TO: Board of Acquisition & Contract

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

DATE: May 28, 2013

RE: Resolution authorizing the County of Westchester to extend Agreements with listed vendors to provide Transportation for Preschool Children with Special Needs for the Term 9/1/13 - 8/31/14

In 2009 your Honorable Board authorized the County to enter into contracts with various vendors to provide transportation for preschool children with special needs, as mandated by Section 4410, Part 200 of the New York State Education Law, and its subsequent amendments and Article 25, Title IIA of the New York State Public Health Law. The contracts included four (4) one-year extension options, all at the sole discretion of the County. Extensions for which approval is requested at this time vary by vendor and program, as noted on the attachment. The contract extensions are in the total not-to-exceed amount of \$5,907,583.

The extension option includes a price adjustment based on one hundred percent (100%) of the Consumer price Index - Public Transportation. The Consumer Price Index-Public Transportation is published by the U. S. Department of Labor, Bureau of Labor Statistics, for New York, NY - Northeastern NJ region.

The transportation services provided under these agreements will promote the public health, safety and welfare of Westchester County children with special needs by enabling daily participation in Special Needs programs through safe transportation. On an annual basis, approximately twelve hundred (1,200) Westchester County children receive transportation services; and approximately eight hundred (800) of these children are served by the services provided under these agreements. The goals and objectives of the programs are to provide appropriate rehabilitative and educational services to children from two to five years old with developmental disabilities and/or delays in the child's least restrictive setting, and to provide safe transportation to and from the site.

Monitoring of transportation providers is accomplished through pre-approval of all bus routes, random inspections to ensure provider vehicle safety and staff compliance, and monthly review of submitted documentation.

Authority is requested to exercise these extension options for the period 9/1/13 through 8/31/14 with the Vendors listed in the attachment and increase the payment per year by one hundred percent (100%) of the Consumer Price Index - Public Transportation.

In addition, pursuant to the agreement, the vendors are required to provide performance security. The minimum performance security in the form of cash, certified check, irrevocable letter of credit, or bond is calculated as twenty (20) percent of the subtotal contract price, prior to the addition of the contingency for any anticipated enrollment increase. The Bond Underwriter or Surety must appear on the U. S. Treasury's listing of approved sureties (Department Circular 570) and must be licensed to transact business in New York as a surety company.

SA/am  
Attachment

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## RESOLUTION

Upon a communication from the Commissioner of Health, be it hereby

RESOLVED, that the County of Westchester be authorized to exercise its option to extend contracts with the vendors listed in the attachment for the period September 1, 2013 through August 31, 2014, to provide transportation for preschool children with special needs, with the submission of security in the amounts listed in the attachment; and be it further

RESOLVED, that the total aggregate amount of the contracts with these vendors shall not exceed \$5,907,583 and that such contracts are 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 any 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 be and hereby is authorized and empowered to execute and deliver all instruments and to take all actions necessary or appropriate to accomplish the purpose of this resolution.

County of Westchester  
 Department of Health  
 May 28, 2013

<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		\$1,620,365	2013
101	27	2700	4541		\$405,092	2013
101	27	2700	4539		\$3,105,701	2014
101	27	2700	4541		\$776,425	2014

Budget Funding Years	2013-2014	Start date	9/1/13	End date	8/31/14
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Funding Source	Tax dollars	54%	\$3,190,095			
	State aid	46%	\$2,717,488			
<b>\$5,907,583</b>	Insurance	0%				
(must match resolution)	Medicaid					

**ATTACHMENT**

<u>VENDOR/PROGRAM or REGION</u>	<u>Year of Extension</u>	<u>Not-To-Exceed Amount (Subtotal &amp; Contingency)</u>	<u>Performance Bond (20% of Contract Subtotal)</u>
<b>ALL COUNTY BUS, LLC</b>			
Alcott School - Dobbs Ferry Campus	4	\$ 1,463,406	\$ 243,901
<b>ASTRA TRANSPORTATION CORP.</b>			
Applied Behavior Analysis Corp. (Fred S. Keller School)	4	1,171,767	180,272
John A. Coleman School/Children's Rehabilitation Center (C.R.C.) - White Plains and Mid Day Service	4	1,982,955	338,282
Leake and Watts Services, Inc. (Ames Center)	4	252,185	38,798
Regional Zone - Metropolitan New York	4	238,673	31,823
Regional Zone - Southern Westchester	4	551,525	59,505
Westchester School for Special Children of Westchester County, Inc.	4	247,072	37,154

**Total Not-To-Exceed Amount: \$5,907,583.00**

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