

**57950**

DATE: July 11, 2017

TO: Board of Acquisition and Contract

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

RE: Authority to award each of twelve (12) contracts for transportation of pre-school children with special needs, each of which is for a specified program(s) or region(s), based on the bids received in response to each individual bid solicitation.

Westchester County is mandated by Section 4410 of the New York State Education Law, and its implementing regulations in 8 NYCRR Part 200, and by Title IIA, Article 25 of the New York State Public Health Law, all as may be amended from time to time, to pay for education and transportation of children with special needs.

On March 16, 2017, your Honorable Board authorized the Westchester County Department of Health (“WCDH”) to advertise (the “Advertising Resolution”) for bids for a total of twelve (12) contracts for transportation of pre-school children with special needs, each of which was to be for the following specified program(s) or region(s):

<u>Contract No.</u>	<u>Program(s) / Region(s)</u>
WCDH E/T 527:	ACDS of Westchester, Scarsdale
WCDH E/T 528:	Blythedale Children’s Hospital, Valhalla
WCDH E/T 529:	Guidance Center, New Rochelle
WCDH E/T 530:	JCC of Mid-Westchester Nursery School/Toward Tomorrow, Scarsdale
WCDH E/T 531:	John A. Coleman School, White Plains
WCDH E/T 532:	Los Ninos Services, Valhalla
WCDH E/T 533:	Regional Transportation Needs – Northern Region: <ul style="list-style-type: none"><li>• Putnam ARC, Inc./PARC Preschool, Mahopac</li><li>• Sunshine Children’s Home, Ossining</li><li>• TheraCare Preschool Services, Yorktown</li><li>• United Cerebral Palsy Association of Putnam &amp; Southern Dutchess Counties, Inc./Hudson Valley Community Services, Brewster</li></ul>
WCDH E/T 535:	Westchester County Chapter NYSARC/CSED program locations in: Crompond, Ossining, Peekskill, Sleepy Hollow, and Tarrytown
WCDH E/T 536:	Westchester County Chapter NYSARC/CSED program locations in: Hawthorne, Tuckahoe, and White Plains

Contract No.      Program(s) / Region(s)

WCDH E/T 537: Westchester County Chapter NYSARC/CSED program locations in:  
Katonah, Mt. Kisco, and Yorktown

WCDH E/T 538: Westchester School for Special Children, Yonkers

WCDH E/T 539: WESTCOP Therapeutic Nursery, Granite Springs

WCDH placed legal notices in the Gannett Journal News (all editions) on May 26, 2017 and made each bid document available for download by prospective bidders on the Hudson Valley Municipal Purchasing Group website from May 26, 2017 through June 28, 2017.

As provided for in the Advertising Resolution, each bid document specified that each solicited contract was for a term from September 1, 2017 through August 31, 2022, subject to County appropriations.

As specified in each bid document, payments will be made on a per vehicle, per day basis; with the bid amounts having been calculated based upon such costs for the first year of service (i.e., September 1, 2017 through August 31, 2018).

As provided for in the Advertising Resolution, each bid document specified that the price bid was for the first year of service, and that for each of the remaining four (4) years of each awarded contract, there would be a cost of living adjustment, beginning September 1, 2018, of fifty percent (50%) of the increase in the Consumer Price Index – Public Transportation, based on data obtained from the United States Department of Labor's U.S. Cities Average Series ID CUUR0000SETG. As alluded to above, and as specified in each bid document, said cost of living adjustments can only increase, and cannot decrease, the cost to be paid by the County under each agreement. As specified in each bid document, the comparison in the above-specified index will be calculated between the previous April and the coming April for years two through five of each awarded contract.

As provided for in the Advertising Resolution, each bid document specified that each awarded contract would require the operator to furnish performance security in a dollar amount equal to twenty percent (20%) of the 'subtotal' price for that contract (i.e., the contract cost for a school year and subsequent summer of services, before the addition of any specified contingency costs such as wheelchair lift-equipped vehicles or '1:1' attendants).

On June 28, 2017, the bids were received and opened for each of the above-specified twelve (12) contracts.

Phoenix Transportation Services Inc. ("Phoenix") submitted the lowest bid for contracts WCDH E/T 527, WCDH E/T 531, WCDH E/T 533, WCDH E/T 537, and WCDH E/T 539. However, Phoenix's bid was found to be non-responsive, as Phoenix failed to meet two material requirements of the bid specification: 1.) that the bidder "have three school years' experience providing school related transportation to five or more children with special needs within the past five years," and 2.) that "[e]ach Bid must be accompanied by the Bid Bond and Consent of Surety (Form F-5)" and that "these pages must be attached to the front of the [bidder's] bid package." The bid specification for each bid provided that "[a]ny bid submitted without the proper security specified herein will be considered non-responsive."

All County Bus, LLC ("All County") submitted the lowest bid for contract WCDH E/T 536. However, All County's bid was found to be non-responsive, as All County failed to meet a material requirement of the bid specification: that "[e]ach Bid must be accompanied by the Bid Bond and Consent of Surety (Form F-5)" and that "these pages must be attached to the front of the [bidder's] bid package." As

noted above, the bid specification for each bid provided that “[a]ny bid submitted without the proper security specified herein will be considered non-responsive.”

Accordingly, WCDH determined that the responsive lowest responsible bidder furnishing the required security for each of the twelve (12) solicited contracts is, and the County therefore wishes to award each contract, on the terms described above and otherwise included in each bid specification, to the following operators, for the specified amounts for the first year, and the specified consequent performance security amount:

<u>Contract No.</u>	<u>Operator</u>	<u>Not-Exceed 1<sup>st</sup> Year Price</u>	<u>Performance Security</u>
WCDH E/T 527	TLC Transportation Corp. of Westchester	\$678,083	\$135,617
WCDH E/T 528	Astra Transportation Corp.	\$328,620	\$65,724
WCDH E/T 529	TLC Transportation Corp. of Westchester	\$280,006	\$56,001
WCDH E/T 530	TLC Transportation Corp. of Westchester	\$510,762	\$102,152
WCDH E/T 531	Royal Coach Lines, inc.	\$2,010,504	\$402,101
WCDH E/T 532	TLC Transportation Corp. of Westchester	\$747,242	\$149,448
WCDH E/T 533	Acme Bus Corp.	\$1,295,310	\$259,062
WCDH E/T 535	TLC Transportation Corp. of Westchester	\$1,285,465	\$257,093
WCDH E/T 536	TLC Transportation Corp. of Westchester	\$560,700	\$112,140
WCDH E/T 537	Acme Bus Corp.	\$989,370	\$197,874
WCDH E/T 538	TLC Transportation Corp. of Westchester	\$163,162	\$32,632
WCDH E/T 539	TLC Transportation Corp. of Westchester	\$553,058	\$110,612

The above-specified contracts will serve a public purpose by providing safe transportation, for approximately 600 children in Westchester County with special needs, to the special needs programs in which they daily participate.

The goal and objective of the above-specified contracts is to provide safe transportation, for approximately 600 children in Westchester County with special needs, to the special needs programs in which they daily participate.

The goal and objective of the above-specified contracts is in the best interests of the County in terms of public health and safety, as providing safe transportation, for approximately 600 children in Westchester County with special needs, to the special needs programs in which they daily participate, will allow these children to receive appropriate services in accordance with their respective approved Individualized Education Plan (“IEP”) or Individualized Family Service Plan (“IFSP”), and do so in the child’s least restrictive setting/natural setting.

The goal and objective of the above-specified contracts will be tracked and monitored by the staff of WCDH, including through County pre-approval on all bus routes prior to implementation, random County inspections to ensure vehicle safety and staff compliance with applicable requirements and policies, and reviews of monthly billing to ensure the accuracy of submitted documentation.

I respectfully recommend the adoption of the attached resolution.

SA/am  
Attachment

**RESOLUTION**

Upon communication from the Commissioner of Health, it is hereby

**RESOLVED**, that the County of Westchester (the “County”) is hereby authorized to award each of the twelve (12) following contracts for transportation of pre-school children with special needs, to the operators specified below, as the responsive lowest responsible bidder furnishing the required security for each contract, with each such contract being, a.) for a term from September 1, 2017 through August 31, 2022, subject to County appropriations, b.) for the respective program(s) or region(s) specified below, c.) for the respective not-to-exceed amount specified below for the first year of service, d.) for the respective performance security specified below, based upon the respective not-to-exceed amount for the first year of service, and e.) otherwise on the terms described in the bid specification for each listed contract:

<b>Contract Number</b>	<b>Program(s)/Region(s)</b>	<b>Company/Bidder</b>	<b>Not to Exceed Price – 1<sup>st</sup> Year</b>	<b>Security Amount</b>
WCDH E/T 527	ACDS of Westchester, Scarsdale	TLC Transportation Corp. of Westchester	\$678,083	\$135,617
WCDH E/T 528	Blythedale Children’s Hospital, Valhalla	Astra Transportation Corp.	\$328,620	\$65,724
WCDH E/T 529	Guidance Center, New Rochelle	TLC Transportation Corp. of Westchester	\$280,006	\$56,001
WCDH E/T 530	JCC of Mid-Westchester Nursery School/Toward Tomorrow, Scarsdale	TLC Transportation Corp. of Westchester	\$510,762	\$102,152
WCDH E/T 531	John A. Coleman School, White Plains	Royal Coach Lines, Inc.	\$2,010,504	\$402,101
WCDH E/T 532	Los Ninos Services, Valhalla	TLC Transportation Corp. of Westchester	\$747,242	\$149,448
WCDH E/T 533	Regional Transportation Needs – Northern Region : <ul style="list-style-type: none"> <li>• Putnam ARC, Inc./PARC Preschool, Mahopac</li> <li>• Sunshine Children’s Home, Ossining</li> <li>• TheraCare Preschool Services, Yorktown</li> <li>• United Cerebral Palsy Association of Putnam &amp; Southern Dutchess Counties, Inc./Hudson Valley Community Services, Brewster</li> </ul>	Acme Bus Corp.	\$1,295,310	\$259,062
WCDH E/T 535	Westchester County Chapter NYSARC/CSED program locations in: Crompond, Ossining, Peekskill, Sleepy Hollow and Tarrytown	TLC Transportation Corp. of Westchester	\$1,285,465	\$257,093
WCDH E/T 536	Westchester County Chapter NYSARC/CSED program locations in: Hawthorne, Tuckahoe and White Plains	TLC Transportation Corp. of Westchester	\$560,700	\$112,140
WCDH E/T 537	Westchester County Chapter NYSARC/CSED program locations in: Katonah, Mt. Kisco and Yorktown	Acme Bus Corp.	\$989,370	\$197,874
WCDH E/T 538	Westchester School for Special Children, Yonkers	TLC Transportation Corp. of Westchester	\$163,162	\$32,632
WCDH E/T 539	WESTCOP Therapeutic Nursery, Granite Springs	TLC Transportation Corp. of Westchester	\$553,058	\$110,612

; and be it further

**RESOLVED**, that each agreement is subject to County appropriations; and be it further

**RESOLVED**, that each 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 each 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 an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate any or all of the agreements or to renegotiate the amounts and rates approved herein for any or all of the agreements. If the County subsequently offers to pay a reduced amount to the contractor for one or more of the agreements, then the contractor for each such agreement shall have the right to terminate such agreement upon reasonable prior written notice; 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.

---

Department of Health  
County of Westchester  
145 Huguenot Street, 8<sup>th</sup> Floor  
New Rochelle, New York 10801  
July 11, 2017

<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		\$2,758,003	2017
101	27	2700	4541		\$376,091	2017
101	27	2700	4539		\$8,304,346	2018
101	27	2700	4541		\$1,132,411	2018
101	27	2700	4539		\$8,395,693	2019
101	27	2700	4541		\$1,144,867	2019
101	27	2700	4539		\$8,488,046	2020
101	27	2700	4541		\$1,157,461	2020
101	27	2700	4539		\$8,581,415	2021
101	27	2700	4541		\$1,170,193	2021
101	27	2700	4539		\$5,762,743	2022
101	27	2700	4541		\$785,829	2022

Budget Funding Year(s): 2017-2022 Start Date: 09/01/17 End Date: 08/31/22  
(must match resolution)

Funding Source Tax Dollars\_ \$24,509,120 (51%) \_\_\_\_\_  
State Aid\_ \$23,547,978 (49%) \_\_\_\_\_  
Insurance \$0  
**\$48,057,098** Federal Aid \_\_\_\_\_

(must match resolution)