

**69705**

DATE: May 7, 2019

TO: Board of Acquisition and Contract

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

RE: Authority to award each of five (5) 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 proposals received in response to each individual request for proposal solicitation. The five (5) contracts described below will be awarded for the period September 1, 2019, through August 31, 2024.

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The County of 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.

Pursuant to Section 6 of the Westchester County Procurement Policy and Procedures, the County’s Department of Health (“WCDH”) issued a Request for Proposals (“RFPs”) for a total of five (5) contracts for transportation of pre-school children with special needs, each of which is for the following specified program(s) or region(s):

<u>Contract No.</u>	<u>Program(s) / Region(s)</u>
WCDH E/T 550:	Alcott School, Dobbs Ferry
WCDH E/T 551:	Ames Early Childhood Center, Yonkers
WCDH E/T 552:	Fred S. Keller School, White Plains
WCDH E/T 553:	Fred S. Keller School, Yonkers
WCDH E/T 554:	Regional Transportation Needs – Southern Region

In addition to the WCDH placing the RFPs on the Westchester County website to be available for download by prospective proposers, the RFPs were emailed to bus transportation companies having contracted with the WCDH in the past.

As provided for in the RFPs, each solicited contract would be for a term from September 1, 2019 through August 31, 2024, subject to County appropriations.

As specified in the RFPs, payments will be made on a per vehicle, per day basis; with the proposal amounts having been calculated based upon such costs for the first year of service (i.e., September 1, 2019 through August 31, 2020).

For contract years two through five, the amount payable per vehicle shall be adjusted annually based on fifty percent (50%) of the increase (but not the decrease) 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 specified in the RFPs, 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).

Proposals were received from Phoenix Transportation Services Inc. ("Phoenix"), All County Bus, LLC ("All County"), Royal Coach Lines, Inc. ("Royal Coach") and Astra Transportation Corp. ("Astra")

Phoenix's proposal was determined "ineligible" for consideration as failing to meet two material eligibility requirements of the RFP: 1.) that proposers "have a minimum of four school years' experience providing school related transportation to preschool age children with special needs during the seven years preceding this RFP, and 2.) that the operators' management may not have previously managed and/or owned the same or a similar transportation service firm that was in Chapter 9, Chapter 11 or Chapter 13 bankruptcy within the previous five years".

The remaining three proposals were reviewed, rated and ranked based on the evaluation criteria specified in the RFP, as indicated in Attachment "A". Astra was ranked first for WCDH Contracts E/T 550, E/T 551 and E/T 553, and All County was ranked first for WCDH Contracts E/T 552 and E/T 554. All of the first ranked proposers were deemed to be responsive to all elements of the RFP and not only offered the lowest price but that would also best satisfy the interests of the County.

Accordingly, the County therefore wishes to award each contract, on the terms described above and otherwise included in the RFP specification, to the following bus transportation 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 550	Astra Transportation Corp.	\$1,429,208	\$285,842
WCDH E/T 551	Astra Transportation Corp.	\$267,120	\$53,424
WCDH E/T 552	All County Bus, LLC	\$1,213,995	\$242,799
WCDH E/T 553	Astra Transportation Corp.	\$1,068,480	\$213,696
WCDH E/T 554	All County Bus, LLC	\$2,024,120	\$404,824

The transportation services to be provided under the above specified contracts is in the best interests of the County in terms of public health, safety and welfare, as providing safe transportation, for approximately five hundred fifteen (515) Westchester County children with special needs by enabling their daily participation in special needs programs.

The goal and objective of the above-specified contracts is in the best interests of the County in terms of public health and welfare, by allowing these children with special needs 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.

APPROVED BOARD OF ACQUISITION & CONTRACTS 10/16/2019 ICA/MEIAJ, SECRETARY

## RESOLUTION

Upon a 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 five (5) following contracts for transportation of pre-school children with special needs, to the operators specified below, as the first ranked proposers that were deemed to be responsive to all elements of the RFP, with each such contract being, a.) for a term from September 1, 2019 through August 31, 2024, 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 RFP specification for each listed contract:

<b>Contract Number</b>	<b>Program(s)/Region</b>	<b>Company/Proposer</b>	<b>Not to Exceed Price – 1<sup>st</sup> Year</b>	<b>Security Amount</b>
WCDH E/T 550	Alcott School, Dobbs Ferry	Astra Transportation Corp.	\$1,429,208	\$285,842
WCDH E/T 551	Ames Early Childhood Center, Yonkers	Astra Transportation Corp.	\$267,120	\$53,424
WCDH E/T 552	Fred S. Keller School, White Plains	All County Bus, LLC	\$1,213,995	\$242,799
WCDH E/T 553	Fred S. Keller School, Yonkers	Astra Transportation Corp.	\$1,068,480	\$213,696
WCDH E/T 554	Regional Transportation Needs – Southern Region	All County Bus, LLC	\$2,024,120	\$404,824

; and be it further

**RESOLVED**, that for contract years two through five, the amount payable per vehicle shall be adjusted annually based on fifty percent (50%) of the increase (but not the decrease) 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; 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.

<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		\$1,600,779	2019
101	27	2700	4541		\$400,195	2019
101	27	2700	4539		\$4,819,947	2020
101	27	2700	4541		\$1,204,987	2020
101	27	2700	4539		\$4,872,966	2021
101	27	2700	4541		\$1,218,242	2021
101	27	2700	4539		\$4,926,570	2022
101	27	2700	4541		\$1,231,642	2022
101	27	2700	4539		\$4,980,762	2023
101	27	2700	4541		\$1,245,190	2023
101	27	2700	4539		\$3,344,768	2024
101	27	2700	4541		\$836,192	2024

Budget Funding Year(s): 2019-2024 Start Date: 09/01/19 End Date: 08/31/24  
 (must match resolution)

Funding Source Tax Dollars (43%) \$13,193,363  
 State Aid (57%) \$17,488,877  
 Insurance \$0  
\$30,682,240 Federal Aid \_\_\_\_\_

(must match resolution)

ATTACHMENT "A"

Request for Proposals  
Qualified Providers of School Bus Transportation for Special Needs Children

Proposer Respondents

Contract/Program	Bus Transporter/Operator	Score	Ranking
WCDH E/T 550	Astra Transportation Corp.	87.75	1
WCDH E/T 551	Astra Transportation Corp.	87.75	1
WCDH E/T 552	All County Bus, LLC	81	1
WCDH E/T 553	Astra Transportation Corp.	87.25	1
WCDH E/T 554	All County Bus, LLC	80.25	1

E/T 550

Bus Transporter/Operator	Score	Ranking
Astra Transportation Corp.	87.75	1
All County Bus, LLC	83	2
Royal Coach Lines, Inc.	73	3

E/T 551

Bus Transporter/Operator	Score	Ranking
Astra Transportation Corp.	87.75	1
Royal Coach Lines, Inc.	80	2
All County Bus, LLC	76.25	3

E/T 552

Bus Transporter/Operator	Score	Ranking
All County Bus, LLC	81	1
Royal Coach Lines, Inc.	76	2
Astra Transportation Corp.	N/A	

E/T 553

Bus Transporter/Operator	Score	Ranking
Astra Transportation Corp.	87.25	1
All County Bus, LLC	83.5	2
Royal Coach Lines, Inc.	73	3

E/T 554

Bus Transporter/Operator	Score	Ranking
All County Bus, LLC	80.25	1
Royal Coach Lines, Inc.	76	2
Astra Transportation Corp.	N/A	