



George Latimer
County Executive

Department of Social Services

Kevin M. McGuire
Commissioner

77879

DATE: July 7, 2020

TO: Board of Acquisition and Contract

FROM: Kevin M. McGuire
Commissioner
Department of Social Services

SUBJECT: Authority to enter into:

- 1.) An emergency contract with All County Bus, LLC for transportation services for, a.) homeless pre-school and school-age children during the regular school year, b.) homeless pre-school and school-age children during summer school, and c.) homeless youth in extracurricular activities during both the regular school year and summer school; and
- 2.) An emergency contract with All County Bus, LLC for transportation services for children placed in court-directed custody and children in foster care.

The County of Westchester (the “County”) currently has two (2) agreements with All County Bus, LLC (“All County”) for transportation services (together, the “Current Agreements”) for the Department of Social Services (“DSS”). One of the Current Agreements is for homeless pre-school and school-age children during the regular school year, during summer school, and in extracurricular activities during both the regular school year and summer school (the “School Transportation Services”). The other of the Current Agreements is for children placed in court-directed custody and children in foster care (the “Court-Directed Custody and Foster Care Transportation Services”). The Current Agreements will expire on August 31, 2020.

The County cannot go without the School Transportation Services or the Court-Directed Custody and Foster Care Transportation Services (collectively, the “Services”; the persons served, the “Children”) for any period of time. Based on the details specified in the emergency-declaration memorandum, dated July 7, 2020, which I have submitted to your Honorable Board, in accordance with Section 167.171(3) of the Laws of Westchester County, it has been

determined that this is a condition that was unforeseen, affects the life, health, and safety the inhabitants of the County, and requires immediate action that cannot await competitive bidding. Therefore, this situation meets the legal requirements for an emergency contract under Section 167.171(5) of the Laws of Westchester County and Section 103(4) of the New York General Municipal Law.

In response to this emergency, DSS inquired with All County, which has the Current Agreements and has previously performed satisfactory work for the County. All County confirmed that it would be able to continue to provide the Services.

Accordingly, authority is requested from your Honorable Board for the County to enter into the following emergency contracts (collectively, the "Emergency Contracts"):

- 1.) An emergency contract with All County, pursuant to which it will provide the County with transportation services for, a.) homeless pre-school and school-age children during the regular school year, b.) homeless pre-school and school-age children during summer school, and c.) homeless youth in extracurricular activities during both the regular school year and summer school, for the period from September 1, 2020 through August 31, 2021, for an amount not-to-exceed \$6,482,700.00, payable pursuant to an approved budget; and
- 2.) An emergency contract with All County, pursuant to which it will provide the County with transportation services for children placed in court-directed custody and children in foster care, for the period from September 1, 2020 through August 31, 2021, for an amount not-to-exceed \$1,750,000.00, payable pursuant to an approved budget.

The proposed Emergency Contracts will serve a public purpose by ensuring that the Children will be provided with the transportation services that they need while the County is provided with the time to successfully competitively procure multi-year contracts for the Services for the future.

The goal and objective of the proposed Emergency Contracts is to ensure that the Children will be provided with the transportation services that they need while the County is provided with the time to successfully competitively procure multi-year contracts for the Services for the future.

The goal and objective of the proposed Emergency Contracts is in the best interests of the County in terms of public health and safety, as ensuring that the Children will be provided with the transportation services that they need, while the County is provided with the time to successfully competitively procure multi-year contracts for the Services for the future, will ultimately help safeguard the health and safety of the Children.

The goal and objective of the proposed Emergency Contracts will be tracked and monitored by the staff of DSS.

I respectfully recommend the adoption of the attached resolution.

KMM/BG/bdm/nm

APPROVED BOARD OF ACQUISITION & CONTRACT - 07/16/2020 - LISA MRIJAJ, SECRETARY

RESOLUTION

Upon a communication from the Commissioner of Social Services, be it hereby:

RESOLVED, that the County of Westchester (the "County") is hereby authorized to enter into the following emergency contracts:

- 1.) An emergency contract with All County Bus, LLC, pursuant to which it will provide the County with transportation services for, a.) homeless pre-school and school-age children during the regular school year, b.) homeless pre-school and school-age children during summer school, and c.) homeless youth in extracurricular activities during both the regular school year and summer school, for the period from September 1, 2020 through August 31, 2021, for an amount not-to-exceed \$6,482,700.00, payable pursuant to an approved budget; and
- 2.) An emergency contract with All County Bus, LLC, pursuant to which it will provide the County with transportation services for children placed in court-directed custody and children in foster care, for the period from September 1, 2020 through August 31, 2021, for an amount not-to-exceed \$1,750,000.00, payable pursuant to an approved budget;

and be it further

RESOLVED, that these agreement are subject to County appropriations; and be it further

RESOLVED, that these agreements are 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 these agreements. 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 one or both of these agreements or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to one or both of the contractors, then such contractor(s) shall have the right to terminate their respective agreements 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.

Account to be
Charged/Credited

	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
2020	101	22	8900	5630		\$2,160,900
2020	101	22	8900	5880		\$583,333
2021	101	22	8900	5630		\$4,321,800
2021	101	22	8900	5880		\$1,166,667

Budget Funding Year(s): _____
(must match resolution)

Start Date: 09/01/20

End Date: 08/31/21

5630 5880

Funding Source	Tax Dollars:	<u>0%</u>	<u>42%</u>
<u>\$8,232,700.00</u>	State Aid:	<u>0%</u>	<u>34%</u>
(must match resolution)	Federal Aid:	<u>100%</u>	<u>24%</u>
	Other:	_____	_____

APPROVED BOARD OF ACQUISITION & CONTRACT - 01/15/2020 - LISA MARIJA SECRETARY