



George Latimer
County Executive

Department of Health

Sherlita Amler, M.D.
Commissioner

79141

DATE: August 30, 2020

TO: Board of Acquisition and Contract

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

SUBJECT: Amending a resolution that authorized the County to amend each of fourteen (14) agreements for transportation services for pre-school children with special needs in order to modify the terms of payment of each agreement, by now, a.) removing the authority to amend two (2) of the agreements, and b.) adding an authorization to make an additional modification to the terms of payment for the remaining twelve (12) agreements.

By a resolution approved on August 20, 2020 (the “August 20th Resolution”), your Honorable Board authorized the County of Westchester (the “County”) to amend each of fourteen (14) agreements (the “Fourteen Agreements”), pursuant to each of which the contractor was to provide transportation services for pre-school children with special needs. Specifically, your Honorable Board authorized the County to modify the terms of payment under each of the Fourteen Agreements in order to specify that, effective September 1, 2020, in the event that, in the future, 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 a contractor, the contractor shall be paid, for each school day for the duration of such ordered closure, an amount equal to forty percent (40%) of the amount to which the contractor was entitled for the services the contractor provided on the last school day prior to the beginning of such ordered closure; provided, however, that such amounts shall only be paid by the County to the extent that they will be used by the contractor for costs associated with it maintaining readiness to resume providing services upon the end of such ordered closure. The authorized amendments have not yet been executed.

Royal Coach Lines, Inc. (“RCL”) notified the County that it would not provide

transportation services, in contravention of its contractual obligations under contracts E/T531 and E/T548. Therefore, the Department of Health (“DOH”) respectfully requests that your Honorable Board amend the August 20th Resolution by, a.) removing the two (2) above-mentioned contracts with RCL from the list in its first ‘RESOLVED’ clause, and b.) changing the text in the first ‘RESOLVED’ clause that specifies “fourteen (14)” such that it will specify “twelve (12)” instead.

In addition, DOH recommends that each of the remaining twelve (12) of the Fourteen Agreements (the “Current Agreements”) be amended in order to further modify their respective terms of payment. Specifically, DOH believes that each of the Current Agreements should be amended in order to specify that, effective September 1, 2020, in the event that a program to be served under one of the Current Agreements 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 contractor will be paid at a rate of one hundred and twenty percent (120%) of the authorized round-trip rate for that program for each round-trip on each day the contractor transports students during each regular week that the program has such reduced in-person operation; provided, however, that this higher rate shall only be paid by the County to the extent that the additional payment will be used by the contractor for costs associated with it maintaining readiness to provide the transportation services for such program for five (5) days per regular week. Such amendments to the Current Agreements would help ensure that each contractor can maintain readiness to provide transportation services despite the twenty percent (20%) reduction in DOH’s transportation needs for a given program that would result from the number of days of in-person operation being reduced from five (5) to four (4).

Therefore, DOH respectfully requests that your Honorable Board amend the August 20th Resolution by adding, between its existing first and second ‘RESOLVED’ clauses, a new ‘RESOLVED’ clause that will read as follows:

“RESOLVED, that the County is also authorized to amend each of the Current Agreements, in order to modify the terms of payment under each of the Current Agreements, such that each will specify that, effective September 1, 2020, in the event that a program to be served under one of the Current Agreements 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 contractor will be paid at a rate of one hundred and twenty percent (120%) of the authorized round-trip rate for that program for each round-trip on each day the contractor transports students during each regular week that the program has such reduced in-person operation; provided, however, that this higher rate shall only be paid by the County to the extent that the additional payment will be used by the contractor for costs associated with it maintaining readiness to provide the transportation services for such program for five (5) days per regular week; and be it further”

Except as described above, all terms and conditions of the August 20th Resolution shall

remain in full force and effect.

I respectfully recommend the adoption of the attached resolution.

SA/MY/bdm/nm

APPROVED BOARD OF ACQUISITION & CONTRACT - 09/03/2020 - LISA MRIJAJ, SECRETARY

RESOLUTION

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

RESOLVED, that the resolution approved on August 20, 2020 (the “August 20th Resolution”), which authorized the County of Westchester (the “County”) to amend each of fourteen (14) agreements for transportation services for pre-school children with special needs (the “Fourteen Agreements”) by modifying the terms of payment under each of the Fourteen Agreements, is hereby amended by, a.) removing from the list in its first ‘RESOLVED’ clause the rows listing contracts E/T531 and E/T548, b.) changing the text in its first ‘RESOLVED’ clause that specifies “fourteen (14)” such that it will specify “twelve (12)” instead, and c.) adding, between its existing first and second ‘RESOLVED’ clauses, a new ‘RESOLVED’ clause that reads as follows and authorizes amending each of the remaining twelve (12) of the Fourteen Agreements (the “Current Agreements”):

“RESOLVED, that the County is also authorized to amend each of the Current Agreements, in order to modify the terms of payment under each of the Current Agreements, such that each will specify that, effective September 1, 2020, in the event that a program to be served under one of the Current Agreements 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 contractor will be paid at a rate of one hundred and twenty percent (120%) of the authorized round-trip rate for that program for each round-trip on each day the contractor transports students during each regular week that the program has such reduced in-person operation; provided, however, that this higher rate shall only be paid by the County to the extent that the additional payment will be used by the contractor for costs associated with it maintaining readiness to provide the transportation services for such program for five (5) days per regular week; and be it further”

; and be it further

RESOLVED, that except as hereby amended, all terms and conditions of the August 20th Resolution 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.

Account to be
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
N/A					

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

Start Date: 09/01/20 End Date: 08/31/24

Funding Source

(must match resolution)

Tax Dollars: _____

State Aid: _____

Federal Aid: _____

Other: _____

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