

**93781**

DATE: June 6, 2022

TO: Board of Acquisition and Contract

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

RE: Authority for the County of Westchester to award each of three (3) contracts for transportation of pre-school children with special needs for the period from September 1, 2022, through August 31, 2027.

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, on March 21, 2022, the County's Department of Health ("WCDH") issued a Request for Proposals ("RFPs") for a total of three (3) contracts for transportation of pre-school children with special needs, each of which is for the following specified program(s) or region(s):

Contract Number	Program(s) Included
WCDH E/T 581	<ul style="list-style-type: none"><li>Blythedale Children's Hospital, Valhalla</li></ul>
WCDH E/T 582	Regional Transportation Needs – Northern Region: <ul style="list-style-type: none"><li>Hudson Valley UCP, Brewster</li><li>PARC/Parkside School, Mahopac</li></ul>
WCDH E/T 583	<ul style="list-style-type: none"><li>Westchester School For Special Children, Yonkers</li><li>Westcop, Granite Springs</li></ul>

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.

Proposals were received from the following four (4) bus companies: MAT Bus Corp, Phillip Trans Corp., All County Bus, LLC ("All County") and TLC Transportation Corp. ("TLC").

Proposals received from all four (4) bus companies were first given a departmental administrative review to determine initial eligibility. Thereafter, all four (4) bus companies were all rated and ranked based upon the evaluation criteria specified in the RFP, as indicated in Attachment “A”. TLC Transportation Corp. (“TLC”) was ranked first for WCDH Contracts E/T 581 & E/T 583. MAT Bus Corp was ranked first for WCDH Contract E/T 582. For WCDH contracts E/T 581 & E/T 583, TLC was ranked first and also offered the lowest price. While MAT Bus Corp did not offer lowest price (it offered the next lowest price), it was ranked first overall based on the RFP evaluation criteria. Furthermore, both TLC and MAT Bus Corp were deemed to be responsive to all elements of the RFP and would also best satisfy the interests of the County.

Accordingly, the County therefore wishes to award each contract, on the terms described below 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 2022-2023</u>	<u>20% Bond</u>
WCDH E/T 581	TLC Transportation Corp.	\$218,186.00	\$43,637.00
WCDH E/T 582	MAT Bus Corp	\$707,805.00	\$141,561.00
WCDH E/T 583	TLC Transportation Corp.	\$1,296,338.00	\$259,268.00

Each contract would be for a term from September 1, 2022 through August 31, 2027, subject to County appropriations.

Payments will be made on a round-trip per vehicle basis; with the proposal amounts having been calculated based upon such costs for the first year of service (i.e., September 1, 2022 through August 31, 2023).

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.

The operators will not be paid for any day or days that schools and/or school programs for which transportation services are to be provided by the operator, are closed due to COVID-19. This includes closures by Executive Order and/or closures made at the sole discretion of individual schools and/or school programs

Each awarded contract will 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.

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 one hundred twenty (120) Westchester County children with special needs by enabling their daily participation in these 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.

SA/MY/AR/nn  
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 06/30/2022 - RAYMOND SCULKY, SECRETARY

## RESOLUTION

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

**RESOLVED**, that the County of Westchester is authorized to award each of the following three (3) 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, 2022 through August 31, 2027, subject to County appropriations, b.) for the respective program(s) or region(s) specified below, c.) for the respective not-to-exceed amounts 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 2022-2023</b>	<b>20% Bond</b>
WCDH E/T581	•Blythedale Children's Hospital, Valhalla	TLC Transportation Corp.	\$218,186.00.00	\$43,637.00
WCDH E/T582	Regional Transportation Needs – Northern Region: • Hudson Valley UCP, Brewster • PARC/Parkside School, Mahopac	MAT Bus Corp	\$707,805.00	\$141,561.00
WCDH E/T583	Westchester School For Special Children, Yonkers Westcop, Granite Springs	TLC Transportation Corp.	\$1,296,338.00	\$259,268.00

**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 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		\$666,699	2022
101	27	2700	4541		\$74,078	2022
101	27	2700	4539		\$2,020,097	2023
101	27	2700	4541		\$224,455	2023
101	27	2700	4539		\$2,080,700	2024
101	27	2700	4541		\$231,189	2024
101	27	2700	4539		\$2,143,121	2025
101	27	2700	4541		\$238,125	2025
101	27	2700	4539		\$2,207,415	2026
101	27	2700	4541		\$245,268	2026
101	27	2700	4539		\$1,500,751	2027
101	27	2700	4541		\$166,750	2027

Budget Funding Year(s): 2022-2027 Start Date: 09/01/22 End Date: 08/31/27  
 (must match resolution)

Funding Source Tax Dollars: \$5,073,419  
 State Aid : \$6,725,229  
 Insurance  
 Federal Aid \_\_\_\_\_

**\$11,798,648**

(must match resolution)

APPROVED BOARD OF ACQUISITION & CONTRACTING 06/30/2022 - RAYMOND SULKY, SECRETARY

## ATTACHMENT "A"

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

#### Proposer Respondents

<b>Contract/Program</b>	<b>Bus Transporter/Operator</b>	<b>Score</b>	<b>Ranking</b>
WCDH E/T 581	TLC Transportation Corp.	88.00	1
WCDH E/T 582	MAT Bus Corp.	85.00	1
WCDH E/T 583	TLC Transportation Corp.	88.00	1

#### E/T 581

<b>Bus Transporter/Operator</b>	<b>Score</b>	<b>Ranking</b>
All County Bus, LLC	--	--
MAT Bus Corp.	83.25	2
Phillip Trans Corp.	55.25	-
TLC Transportation Corp.	88.00	1

#### E/T 582

<b>Bus Transporter/Operator</b>	<b>Score</b>	<b>Ranking</b>
All County Bus, LLC	--	--
MAT Bus Corp.	85.00	1
Phillip Trans Corp.	55.25	2
TLC Transportation Corp.	--	--

#### E/T 583

<b>Bus Transporter/Operator</b>	<b>Score</b>	<b>Ranking</b>
All County Bus, LLC	83.5	2
MAT Bus Corp.	--	--
Phillip Trans Corp.	55.25	3
TLC Transportation Corp.	88.00	1

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