



George Latimer
County Executive

Department of Social Services

Leonard G. Townes
Commissioner

93980

DATE: June 13, 2022

TO: Board of Acquisition and Contract

FROM: Leonard G. Townes
Commissioner, Department of Social Services

SUBJECT: Authority for the County to enter into an emergency contract with All County Bus, LLC for transportation services for youth in foster care and youth in court-directed custody, for the period from execution of the contract through August 31, 2022, for a total amount not-to-exceed \$475,000.00, payable at a rate of \$300.00 per hour.

The County of Westchester (the "County") currently does not have a contract for transportation services for youth in foster care and youth in court-directed custody (the "Work"). The County's most recent agreement for the Work expired on August 31, 2021.

The Department of Social Services ("DSS") has twice issued a bid solicitation for the Work. The first bid solicitation, which was authorized for advertisement by your Honorable Board by a resolution approved on May 6, 2021, resulted in one (1) bid, which DSS determined exceeded the amount budgeted for the Work. The second bid solicitation, which was authorized for advertisement by your Honorable Board by a resolution approved on August 19, 2021, also resulted in one (1) bid, which DSS determined was not responsive to the bid solicitation due to an attempt to condition the bid on a modification to the required scope of the Work.

Accordingly, since September 1, 2021, DSS child welfare staff, foster care staff, and other appropriate staff members ("Staff") have provided the required services. However, at this point in time, those Staff have been providing the required services for over nine (9) months, and I understand that the Staff involved are becoming overburdened and cannot continue to provide the Work indefinitely.

Based on the details specified in the emergency-declaration memorandum, dated June 13, 2022, 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. This procurement, which is funded in part by federal funds, also meets the requirements of 2 C.F.R. 200.320(c)(3), which allows for non-competitive procurement when “[t]he public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation”, based on the emergency need for the Services, as described above and in the referenced emergency-declaration memorandum.

In response to this emergency, DSS inquired with All County Bus, LLC (“All County”), which previously provided the Services to the County. All County confirmed that it would be able to provide the Services for the period from execution of the contract through August 31, 2022.

During this period, DSS will be able to further consider how to prepare its new bid solicitation in order to attract suitable and reasonably-priced interest through the normal bid process, and then issue a revised bid solicitation for the Services for the period beginning September 1, 2022.

Accordingly, authority is requested from your Honorable Board for the County to enter into an emergency contract with All County, pursuant to which it will provide the County with transportation services for youth in foster care and youth in court-directed custody, for the period from execution of the contract through August 31, 2022, for an amount not-to-exceed \$475,000.00, payable at a rate of \$300.00 per hour (the “Emergency Contract”).

The proposed Emergency Contract will serve a public purpose by ensuring that the population of children to be served will be provided with the transportation services that they need, while the County is provided with the time to successfully competitively procure a contract for the Services for the future.

The goal and objective of the proposed Emergency Contract is to ensure that the population of children to be served will be provided with the transportation services that they need, while the County is provided with the time to successfully competitively procure a contract for the Services for the future.

The goal and objective of the proposed Emergency Contract is in the best interests of the County in terms of public health and safety, as ensuring that the population of children to be served will be provided with the transportation services that they need, while the County is provided with the time to successfully competitively

procure a contract 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 Contract will be tracked and monitored by the staff of DSS.

I respectfully recommend the adoption of the attached resolution.

LGT/MBG/bdm/nn

APPROVED BOARD OF ACQUISITION & CONTRACT - 06/16/2022 - RAYMOND SCULKY, 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 an emergency contract with All County Bus, LLC ("All County"), pursuant to which All County will provide the County with transportation services for youth in foster care and youth in court-directed custody, for the period from contract execution through August 31, 2022, for an amount not-to-exceed \$475,000.00, payable at a rate of \$300.00 per hour; and be it further

RESOLVED, that this Agreement is subject to County appropriations; and be it further

RESOLVED, that this 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 this 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 this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Contractor, then the Contractor shall have the right to terminate this 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.

APPROVED BOARD OF ACQUISITION & CONTRACT ADMINISTRATION
APPROVED BY: RAYMOND SULLIVAN, SECRETARY

Account to be
Charged/Credited

| Fund | Dept | Major Program, Program & Phase Or Unit | Object/ Sub- Object | Trust Account | Dollars |
|------|------|---|------------------------|------------------|-----------|
| 101 | 22 | 8900 | 5880 | | \$475,000 |
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Budget Funding Year(s): 2022 Start Date: Execution End Date: 08/31/22
(must match resolution)

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|-------------------------|------------------------|-----|
| | Operating/Tax Levy: | 19% |
| Funding Source | State Aid: | 44% |
| \$475,000.00 | Federal Aid and CFDA#: | 37% |
| (must match resolution) | Capital: | N/A |

APPROVED BOARD OF ACQUISITION & CONTRACT - 06/16/2022 RAYMOND SOULKY, SECRETARY