

**MINUTES OF THE MEETING OF THE
COUNTY OF WESTCHESTER
BOARD OF ACQUISITION AND CONTRACT
HELD ON THURSDAY, SEPTEMBER 26, 2019 @ 11:00 A.M.**

Deputy County Executive
Chair, Board of Legislators
Budget Director
Associate Chief Deputy County Attorney
Commissioner of Finance
Budget
County Executive's Office
Board of Legislators
Board of Legislators
Board of Legislators
Secretary BAC
Assistant Secretary BAC

Ken Jenkins
Benjamin Boykin
Larry Soule
Tami Altschiller
AnnMarie Berg
Pat Haggerty
Carl Pagano
Dennis Power
Greg Casciato
Jaevon Boxhill
Lisa Mrijaj
Valerie Rodriguez

Mr. Jenkins presided.

Mr. Jenkins said, "For the record has the Secretary to the Board gone to the reception area to invite any members of the public who wish to attend today's meeting to come to the conference room?"

Ms. Mrijaj confirmed that she had done so.

Mr. Jenkins said, "I understand the Budget Director wishes to speak."

Mr. Soule said, "I will try to speak fast. The Members of the Board of Acquisition and Contract received a memo from the Commissioner of Social Services declaring an emergency concerning 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, c.) homeless youth in extracurricular activities during both the regular school year and summer school, and d.) children placed in court-directed custody and children in foster care."

Mr. Jenkins said "I direct the Secretary of the Board of Acquisition and Contract to include the memo from the Commissioner of Social Services as part of the minutes of today's meeting. I understand the Budget Director wishes to make eight Motions."

Mr. Soule said, "Is the summary ok or read it entirely?"

Ms. Altschiller said, "Read it entirely."

Mr. Soule read the attached Memo from the Commissioner of Social Services into the record.

Mr. Jenkins said "I direct the Secretary to of the Board of Acquisition and Contract to include the memo from the Commissioner of Social Services as part of the

minutes of today's meeting, and again, this resolution was an emergency for Transportation Services, clearly stated by Commissioner McGuire was a scenario where kids just weren't picked up in the aftermath from the transportation for the services that we provide, and this is clearly not acceptable."

Mr. Jenkins said "I understand the Budget Director wishes to make eight motions."

Mr. Soule said, "I move to add item 13 OnBase ID #71785 to the agenda. Resolution seeking authority to enter into an agreement with PEOPLE: Projects to Empower and Organize the Psychiatrically Labeled, Inc. ("People, Inc."), whereby People, Inc. will manage a Crisis Stabilization Team which will provide pre-arrest alternative to incarceration care coordination services for individuals in White Plains and surrounding communities with mental health and substance use disorder needs, for a term commencing on October 1, 2019 and continuing through September 30, 2020 for an amount not-to-exceed \$444,353, payable pursuant to an approved budget, with of the County having the sole option to renew the agreement for up to two one-year periods."

Mr. Boykin seconded the motion and it was unanimously approved.

Mr. Soule said, "I move to add item 14 Onbase ID 71789 Resolution to exempt from the Westchester County Procurement Policy the procurement of an agreement with WSP USA Inc. to provide consulting services in support of the County's compliance with New York State Department of Environmental Conservation Consent Order Index No. CO-3-20180308-44 involving Westchester County Airport, pursuant to Section 3(a)xxi of the Westchester County Procurement Policy and Procedures."

Mr. Boykin seconded the motion and it was unanimously approved.

Mr. Soule said, "I move to add item 15 OnBase ID #71790 Resolution authorizing the County, to Enter into Agreement No. 19-929 in the matter of consulting services in support of the County's compliance with New York State Department of Environmental Conservation Consent Order Index No. CO-3-20180308-44 involving Westchester County Airport, for a term from July 1, 2019 to June 30, 2024, for an amount not to exceed \$110,000.00 payable pursuant to an approved budget and subject to budget appropriations, with the County's option to renew the agreement for an additional five years."

Mr. Boykin seconded the motion and it was unanimously approved.

Mr. Soule said, "I move to add item 16 OnBase ID #71807 Resolution seeking Authority to exempt from the Westchester County Procurement Policy, pursuant to Section 3(a)(xxi) thereof, the procurement of an agreement with White Plains Bus Co., Inc., pursuant to which it will provide transportation of pre-school children with special needs."

Mr. Boykin seconded the motion and it was unanimously approved.

Mr. Soule said, "I move to add item 17 OnBase ID #71780 Authority to enter into an agreement with White Plains Bus Co., Inc., pursuant to which it will provide transportation of pre-school children with special needs, for the period from October 21, 2019 through August 31, 2020, for an amount not-to-exceed \$2,149,875.00."

Mr. Boykin seconded the motion and it was unanimously approved.

Mr. Soule said, "I move to add item 18 OnBase ID #71759 Resolution seeking 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 White Plains Bus Co., Inc. for transportation services for children placed in court-directed custody and children in foster care."

Mr. Boykin seconded the motion and it was unanimously approved.

Mr. Soule said, "I move to add item 19 OnBase ID #71817 Resolution to exempt from the Westchester County Procurement Policy the procurement of an agreement with WSP USA Inc. to provide environmental consulting services in support of the County's litigation regarding the use of aqueous film-forming foams containing per- and polyfluoroalkyl substances at Westchester County Airport, pursuant to Section 3(a)xxi of the Westchester County Procurement Policy and Procedures."

Mr. Boykin seconded the motion and it was unanimously approved.

Mr. Soule said, "I move to add item 20 OnBase ID #71819 Resolution seeking authority to enter into an agreement with WSP USA Inc. to provide environmental consulting services in support of the County's litigation regarding the use of aqueous film-forming foams containing per- and polyfluoroalkyl substances at Westchester County Airport, for a term from July 1, 2019 to June 30, 2024, for an amount not to exceed \$100,000.00 payable pursuant to an approved budget and subject to budget appropriations, with the County's option to renew the agreement for an additional five years."

Mr. Boykin seconded the motion and it was unanimously approved.

Mr. Boykin said, "I just like to say these 8 items that we added to the agenda that will be voted on and obviously we have to immediately move on items that regard Transportation of Special Needs and students that are homeless, that's very important, they can't leave students stranded, however, there are other items here that seem like they could have already been added and got on the agenda prior to being added late yesterday, or even this morning. We should work to make sure adequate time is given to these items put on the agenda at the appropriate time."

Mr. Jenkins said, "I am going to call on the County Attorney's office just really quickly, because the WSP items the ones for the, the PFOs' just to give a little bit of clarity because they were really late in the afternoon yesterday and maybe to be able to go forward."

Ms. Altschiller said, "I can say from a perspective of drafting, getting to the point in the process of discussions with WSP and working out the terms of the deal, in conjunction with the fact that there is litigation moving, its time sensitive we need to get the thing drafted and we have to go through our own internal review processes and we needed to wait for the County Attorney to review everything, and then

uploading it into the system took more time than we anticipated for the Law Departments two that were done as Added Starters.”

Mr. Jenkins said, “Understood, from a fairness perspective, Mr. Chairman, and certainly from the Board of Legislators and from everyone that has to sign off on the resolutions to go through what was sensibly a fire drill late last night and early this morning, to make sure they get that in front of us, because of the sensitive nature of the litigation with the understanding that we are clear that if we can get something done sooner, that we will absolutely do that, and again, it is a litigation matter, and we appreciate the Board of Legislators consideration for the item, again with the time frames that fortunately for all of us are beyond all of our control including the County Attorney’s office with the State and the DEC pushing forward on that and they keep changing, even as we speak, so thanks again for your consideration, Mr. Chairman.”

Mr. Jenkins said, “Mr. Soule, anything?”

Mr. Soule said, “No, I don’t have anything to add.”

Acquisition & Contract. Minutes of the meeting 9/19/19 and the SEQR Review for agenda items.

L. Mrijaj

Mr. Jenkins moved to receive and file the foregoing minutes and SEQR review, which were duly seconded and approved.

1. (71407) **CE/Youth Bureau** - Enter into an agreement with Family Service Society of Yonkers, dba JCY-Westchester Community Partners, to operate its Kinship Support – Ages 55 and Under Program, from 1/1/19 – 12/31/19, for an amount not to exceed \$45,000.

D. Madden

Mr. Jenkins moved the resolution, which was duly seconded and unanimously approved.

2. (71408) **CE/Youth Bureau** - Enter into an agreement with Family Service Society of Yonkers, dba JCY-Westchester Community Partners, to operate its “Reading Buddies After School” Program, from 1/1/19 – 12/31/19, for an amount not to exceed \$44,125.

D. Madden

Mr. Jenkins moved the resolution, which was duly seconded and unanimously approved.

3. (71433) **Information Technology** - Pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, to amend an agreement with Flash Technology, LLC.

M. Beirne

Mr. Jenkins moved the resolution, which was duly seconded and unanimously approved.

4. (71434) **Information Technology** - Amend Agreement No. IT-1211, with Flash Technology, LLC, for radio tower strobe light monitoring services and parts replacement; by 1) extended the term for an additional three (3) year period commencing on 1/1/20 and terminating on 12/31/22; and 2) increased the amount by \$9,600, for a new total aggregate not to exceed contract amount of \$29,020.

M. Beirne

Mr. Jenkins moved the resolution, which was duly seconded and unanimously approved.

5. (71389) **County Attorney** - Amend an agreement with Bleakley Platt & Schmidt, LLP, to provide legal services and representation to the County, in an "of counsel" capacity to the County Attorney, as needed, in connection with the civil case of *County of Westchester v. Unity Mechanical Corp., The Netherlands Insurance Company, and Excelsior Insurance Company*, for a term commencing on 2/9/18 and continuing until the conclusion of the Case, for an amount not to exceed \$200,000, by increasing the amount by \$100,000, for a new total not to exceed amount of \$300,000.

J. Nonna

Mr. Jenkins moved the resolution, which was duly seconded and unanimously approved.

6. (71449) **Emergency Services** - Enter into a grant agreement with the New York State Division of Homeland Security and Emergency Services, to accept grant funds for the period 9/1/19 – 8/31/22, in an amount not to exceed \$1,324,829, to address equipment, training and planning needs to enhance the County's capability to prevent terrorist attacks and mitigate against man-made and natural hazards, protect the residents of the County, the County's critical infrastructure and key resources, and prepare to respond to and recover from both man-made and natural disasters, in compliance with the State's FY19 Urban Area Security Initiative grant program.

J. Cullen

Mr. Jenkins moved the resolution, which was duly seconded and unanimously approved.

7. (71455) **Emergency Services** - Enter into a grant agreement with the New York State Division of Homeland Security and Emergency Services, to accept grant funds for the period 9/1/19 – 8/31/22, for a total amount not to exceed \$709,794, to assist the County in its efforts to prevent terrorist attacks and mitigate against man-made and natural hazards, protect the residents of the County, the County's critical infrastructure and key resources, and prepare to respond to and recover from both man-made and natural disasters, in compliance with the State's FY19 Urban Area Security Initiative grant program.

J. Cullen

Mr. Jenkins moved the resolution, which was duly seconded and unanimously approved.

8. (71413) **Correction** - Enter into an agreement with Island Peer Review Organization, Inc., d/b/a IPRO to provide comprehensive quality assurance services in evaluating all medical services provided to inmates incarcerated at the County's Department of Correction, for an amount not to exceed \$50,000, from 10/1/19 – 9/30/20.

J. Spano

Mr. Jenkins moved the resolution, which was duly seconded and unanimously approved.

9. (71386) **Parks** - Enter into a license agreement with the Pound Ridge District to install, keep and maintain a trailer and all-terrain vehicle in a portion of the Ward Pound Ridge Reservation to assist the District in connection with the District's fire protection and rescue services in the northern portion of the Reservation, commencing upon execution of the Agreement and expire on 12/31/24, under the listed terms and conditions.

Mr. Jenkins moved the resolution, which was duly seconded and unanimously approved.

K. O'Connor

10. (71440) **DPW/Transportation** – Contract No. 19-208 for Milling, Resurfacing and Additional Improvements, Various County Roadways, Westchester County, New York. Awarded to Low Bidder, ELQ Industries, Inc., New Rochelle, in the amount of \$717,326. (4 bids)

H. Greechan

Mr. Jenkins moved the resolution, which was duly seconded and unanimously approved.

11. (71441) **DPW/Transportation** - Contract No. 19-209 for Countywide Installation of Data, Telephone and Branch Circuitry, Various Locations, Westchester County, New York. Awarded to Low Bidder, Atlantic Electric Inc. (WBE), Mahopac, in the amount of \$2,395,425. (2 bids)

H. Greechan

Mr. Jenkins moved the resolution, which was duly seconded and unanimously approved.

12. (71442) **DPW/Transportation** – Contract No. 18-213 with ELQ Industries, Inc., for Resurfacing and Related Improvements, Various Roadways, Westchester County, New York. Completed work and approval of Final Contract Amount of \$779,025.

H. Greechan

Mr. Jenkins moved the resolution, which was duly seconded and unanimously approved.

13. (71785) **Community Mental Health** – Enter into an agreement with PEOPLE: Projects to Empower and Organize the Psychiatrically Labeled, Inc. (“People, Inc.”), whereby People, Inc. will manage a Crisis Stabilization Team which will provide pre-arrest alternative to incarceration care coordination services for individuals in White Plains and surrounding communities with mental health and substance use disorder needs, for a term commencing on 10/1/19 – 9/30/20, for an amount not-to-exceed \$444,353, payable pursuant to an approved budget, with of the County having the sole option to renew the agreement for up to two one-year periods.

M. Orth

Mr. Jenkins moved the resolution, which was duly seconded and unanimously approved.

14. (71789) **DPW/Transportation** - Pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, to exempt from procurement an agreement with WSP USA Inc., to provide consulting services in support of the County’s compliance with New York State Department of Environmental Conservation Consent Order Index No. CO-3-20180308-44 involving Westchester County Airport.

H. Greechan

Mr. Jenkins moved the resolution, which was duly seconded and unanimously approved.

15. (71790) **DPW/Transportation** – Enter into Agreement No. 19-929 in the matter of consulting services in support of the County’s compliance with New York State Department of Environmental Conservation Consent Order Index No. CO-3-20180308-44 involving Westchester County Airport, for a term from 7/1/19 – 6/30/24, for an amount not to exceed \$110,000, payable pursuant to an approved budget and subject to budget appropriations, with the County’s option to renew the agreement for an additional five years.

H. Greechan

Mr. Jenkins moved the resolution, which was duly seconded and unanimously approved.

16. (71807) **Health** – Pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, to exempt from procurement an agreement with White Plains Bus Co., Inc.

S. Amler

Mr. Jenkins moved the resolution, which was duly seconded and unanimously approved.

17. (71780) **Health** - Enter into an agreement with White Plains Bus Co., Inc., to provide transportation of pre-school children with special needs, from 10/21/19 – 8/31/20, for an amount not to exceed \$2,149,875.

S. Amler

Mr. Jenkins moved the resolution, which was duly seconded and unanimously approved.

18. (71759) **Social Services – 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 White Plains Bus Co., Inc. for transportation services for children placed in court-directed custody and children in foster care.

K. McGuire

Mr. Jenkins moved the resolution, which was duly seconded and unanimously approved.

19. (71817) **DPW/Transportation** - Pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, to exempt from procurement an agreement with WSP USA Inc.

H. Greechan

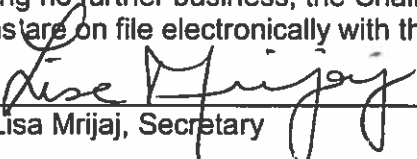
Mr. Jenkins moved the resolution, which was duly seconded and unanimously approved.

20. (71819) **DPW/Transportation** – Enter into an agreement with WSP USA Inc., to provide to provide environmental consulting services in support of the County’s litigation regarding the use of aqueous film-forming foams containing per- and polyfluoroalkyl substances at Westchester County Airport, for a term from 7/1/19 – 6/30/24, for an amount not to exceed \$100,000.00 payable pursuant to an approved budget and subject to budget appropriations, with the County’s option to renew the agreement for an additional five years.

H. Greechan


Mr. Jenkins moved the resolution, which was duly seconded and unanimously approved.

There being no further business, the Chair declared the meeting adjourned. All approved resolutions are on file electronically with the Board of Acquisition and Contract.



Lisa Mrijaj, Secretary

I have reviewed the foregoing minutes and have found them to be correct as written.

Dated 10/2/19


Lisa Mrijaj, Secretary



Memorandum
Department of Social Services

DATE: September 24, 2019

TO: Board of Acquisition and Contract

FROM: Kevin M. McGuire
Commissioner
Department of Social Services

*John L. Befus
First Deputy Commissioner
for Kevin M. McGuire, Commissioner*

SUBJECT: Declaration of Emergency concerning 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, c.) homeless youth in extracurricular activities during both the regular school year and summer school, and d.) children placed in court-directed custody and children in foster care.

By a resolution approved on August 17, 2017, your Honorable Board authorized the County of Westchester (the "County") to enter into an agreement with Phoenix Transportation Services Inc. ("Phoenix"), pursuant to which Phoenix was to 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, c.) homeless youth in extracurricular activities during both the regular school year and summer school, and d.) children placed in court-directed custody and children in foster care (collectively, the "Services"; the persons served, the "Children"), for the period from September 1, 2017 through August 31, 2022, for a total amount not-to-exceed \$14,700,594.50 (the "Phoenix Agreement").

Phoenix has recently experienced sudden, and continuing, financial and operational difficulties. These are evidenced by, among other things, the following:

On September 10, 2019, Marlaina Koller, the president of Phoenix, informed DSS staff that Phoenix would be unable to provide the Services that afternoon because Phoenix's buses were out of fuel and Phoenix could not afford to purchase more fuel. Phoenix advised DSS staff that Alliance One, LLC ("Alliance One"), to which Phoenix previously assigned all of its present and future accounts, was not providing Phoenix with the funds it needed in order to operate.

Ultimately, Phoenix did provide the Services during that afternoon. Phoenix advised that if the County paid Phoenix's outstanding invoice for the Services from the month of August, then Alliance One would, based upon receiving that payment, provide Phoenix with operating funds. Subsequently, the County remitted payment to Alliance One based upon Phoenix's invoice for the Services for the month of August. Phoenix advised the County that the payment

ensured that it would have sufficient operating funds to provide the Services through September 20, 2019.

However, on that same day, Phoenix submitted a written request to me, dated the previous day, that the County consent to the Phoenix Agreement being assigned to another party. That letter explained that Ms. Koller was writing the letter "due to unforeseen circumstances that I am experiencing personally" and that "[w]e need to make sure there is no disruption in service" for the Children. She closed her letter by writing that, "[u]nfortunately, time is of the essence Commissioner."

Notably, I have been advised that, on that same day, Phoenix, operating as subcontractor of Acme Bus Corp. ("Acme") under a contract (the "Acme Agreement") between Acme and the County for transportation services for children with special needs for the Department of Health ("DOH"), failed to provide afternoon pick-ups for any of the children they were supposed to serve. I have been advised that Phoenix then told DOH staff that it would no longer be providing any services under its subcontract with Acme. I have also been advised that, based upon the intervention of DOH staff, in consultation with Acme, an arrangement was worked-out between Acme and Phoenix, such that the services under the Acme Agreement were to be provided on a going-forward basis, with Phoenix's involvement. However, I have been advised that, despite DOH's on-going efforts, those services have not been consistently provided over the past several days.

Taking the above together with specific financial difficulties of Phoenix of which the County has recently become aware after receiving paperwork from a judgment creditor, it appears that Phoenix is unwilling and/or unable to continue providing the Services under the Phoenix Agreement for very much longer, and certainly not through its intended expiration date of August 31, 2022. Accordingly, DSS believes that, going forward, it cannot rely upon Phoenix to provide the Services under the Phoenix Agreement. However, the County cannot go without the Services for any period of time. Accordingly, in order to avoid an interruption in services, DSS has determined that one or more emergency contracts will be needed as a stop-gap between the end of the Phoenix Agreement and the start of one or more new, longer-term contracts for the Services that will be procured through the normal bid process.

KMM/bdm/nn