

22530

October 25, 2011

TO: Honorable Board of Acquisition and Contract

FROM: Evan Latainer
Director, Office for the Disabled

John J. Hsu, P.E.
Commissioner of Public Works and Transportation

SUBJECT: Authorization to extend and amend a contract with Suburban Paratransit Service, Inc. ("Suburban") for the provision of Paratransit Services in Westchester County for the period January 1, 2012 through December 31, 2014 in an amount not to exceed \$21,210,000.00

The Americans with Disabilities Act ("ADA") mandates Westchester County provide Paratransit Services for people whose disabilities prevent them from using fixed route buses. The County meets this obligation through its Paratransit Program which has been in existence since 1983. In 2009, the County issued an RFP for Paratransit Services. As a result of the RFP process and after analyzing the four (4) proposals received in response to the RFP, the County contracted with Suburban Paratransit Services ("Suburban") for the term January 1, 2010 through December 31, 2011, with the County's option to extend the contract for one (1) additional three (3) year period.

Although Suburban has satisfactorily provided Paratransit Services to the County during the term of the current contract and prior contracts, in an effort to explore alternatives and reduce costs while maintaining the same or better level of service of the Paratransit Program, the County issued a new RFP for these services in June, 2011. The County is currently contemplating providing an additional alternative for customers of the Paratransit Service. Under the proposed Taxi Pilot Program, customers would be offered the opportunity to utilize same day taxi service in lieu of the larger vehicles provided by Suburban. Under the ADA, the County is required to provide services only if scheduled at least one (1) day in advance. If the Taxi Pilot Program is implemented, it would be phased in, starting with one (1) municipality and if successful, would be broadened throughout the County. The new RFP included language stating that the estimated number of trips to be provided may be reduced by up to 30% due to the possible implementation of the Taxi Pilot Program.

After reviewing the proposals received in response to the June, 2011 RFP, the County determined that it would be more efficient and economically advantageous to extend and amend Suburban's contract for the additional three (3) year option period, so no award was made as a result of the new RFP process. Suburban has agreed that the extension contract will contain an acknowledgment that Suburban's original contract terms did not provide it with the exclusive right to provide these services and that the County's estimated amount of services may be reduced by up to 30% as a result of the possible implementation of the Taxi Pilot Program during the term of this extension of the contract.

Additionally, rather than receiving CPI increases for the extension period as provided for in the contract, Suburban has agreed to reduce the hourly rates for services as follows:

| <u>SERVICE</u> | <u>2011 RATE</u> | <u>2012 RATE</u> |
|----------------|------------------|------------------|
| Paratransit | \$53.19 per hour | \$51.21 per hour |
| Shuttle | \$69.53 per hour | \$68.17 per hour |

Vehicle daily rental price for use of provider owned vehicles has been adjusted by the CPI, from \$150.00 to \$155.70.

Further, in an effort to maximize the efficiency of the Paratransit Program, the County is acquiring a fleet of smaller, more efficient vehicles ("Transits") to replace larger vehicles in the Para fleet. Suburban's rate for the use of these new Transit vehicles will be \$47.98 per hour.

There will be no hourly increase in the rates for 2013. For the third year of the contract extension only, there will be a CPI adjustment in accordance with the terms of the original contract, not to exceed 3%.

Under the current contract, Suburban's hourly rate includes a charge of \$4.00 per operating hour to cover fuel costs with the County and Suburban splitting equally any charges above \$4.00 per gallon. However, under the extension contract, the County will be responsible for the fuel.

This contract extension also includes an equipment lease. The lease will continue to provide Suburban with the use of County-owned vehicles, computer hardware and software to complete the services. The County equipment is leased to Suburban for an annual fee of \$1.00 for its exclusive use in the Paratransit Program.

This contract extension serves a public purpose as it provides for the safety and welfare of County residents using Paratransit Services within the County. Performance of Suburban will be monitored by the Office for the Disabled and the Department of Public Works and Transportation to ensure compliance with the contract terms. In view of the continuing importance of the Paratransit Program to the County's residents, I urge approval of the attached resolution.

RESOLUTION

Upon a communication from the Commissioner of Public Works and Transportation and the Director of the Office for the Disabled, be it hereby

RESOLVED, that the County of Westchester (the "County") is authorized to extend and amend its contract with Suburban Paratransit Service, Inc. ("Suburban") for Countywide Paratransit Services for an additional three (3) year period commencing January 1, 2012 through December 31, 2014 ("Contract Extension Period"), with a total payment amount not to exceed \$21,210,000.00 based on the following hourly service rates:

| | |
|------------------------|------------------|
| Paratransit Service | \$51.21 per hour |
| Shuttle Vans | \$68.17 per hour |
| (New) Transit Vehicles | \$47.98 per hour |

Vehicle daily rental price for use of Suburban vehicles shall remain at \$155.70 per day. There shall be no change in the above pricing for the second year of the Contract Extension Period. For the third year of the Contract Extension Period, the above pricing shall be subject to a CPI increase in accordance with the terms of the original contract, with a maximum increase not to exceed 3%; and be it further

RESOLVED, that the County shall be responsible for fuel costs during the Contract Extension Period; and be it further

RESOLVED, that the contract extension shall be non-exclusive and the County shall have the right to reduce estimated services for the Contract Extension Period by up to 30%; and be it further

RESOLVED, that the County is authorized to lease during the Contract Extension Period County-owned equipment to Suburban for a fee of \$1.00, which equipment shall be used exclusively by Suburban for the Paratransit Program; and be it further

RESOLVED, that all other terms and conditions of the original contract with Suburban applicable to the Contract Extension Period shall remain the same; 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

RESOLUTION

RESOLVED, that the County Executive or his duly appointed designee is authorized to execute all documents associated with this agreement.

| Account to be Charged/Credited | Fund | Dept. | Major Program, Program & Phase Or Unit | Object/ Sub Object | Trust Account | Dollars |
|--------------------------------|------|-------|--|--------------------|---------------|-----------------------|
| | 101 | 11 | 0600 | 4925 | | \$7,000,000.00 (2012) |
| | 101 | 11 | 0600 | 4925 | | \$7,000,000.00 (2013) |
| | 101 | 11 | 0600 | 4925 | | \$7,210,000.00 (2014) |

Budget Funding Year(s) 2012-2014 Start Date 01/01/12 End Date 12/31/14
 (must match resolution)

Funding Source: Tax Dollars \$21,210,000.00 Contractor Federal I.D. No./ Social Security No.: _____
 State Aid _____
\$21,210,000.00 Federal Aid _____ Vendor No.: _____
 (must match resolution) Other _____ Encumbrance No.: _____

APPROVED BOARD OF ACQUISITION & CONTRACTS 11/17/2011 - JOMARY VIEIRA, SECRETARY