

23626

December 8, 2011

TO: Board of Acquisition and Contract

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

SUBJECT: Authority to: (1) enter into an Operating Assistance Agreement with Liberty Lines Transit, Inc. ("LLT") for the provision of Public Transportation Services as part of the Bee-Line Bus System, whereby the payment made to LLT by the County of Westchester (the "County") will not exceed \$99,239,048.00 for the period January 1, 2012 through December 31, 2012; and (2) allow the County to make advance payments to LLT. (Agreement No. 11-941)

It is anticipated that the 2012 Department of Public Works and Transportation's Operating Budget will include funding for operating assistance to privately owned bus companies that provide transit service as part of the Bee-Line Bus System. This funding, subject to appropriation, will be for the period January 1, 2012 through December 31, 2012.

It is estimated that the total bus operating assistance required to fund bus service provided by Liberty Lines Transit, Inc. ("LLT") for 2012 will be an amount not to exceed \$99,239,048.00. Authority is therefore requested to enter into an Operating Assistance Agreement with LLT to provide Public Transportation Services for the period January 1, 2012 through December 31, 2012 for an amount not to exceed \$99,239,048.00, payable pursuant to an approved budget. Authority is also requested to allow the County of Westchester (the "County") to make advance payments to LLT. This Resolution may require modification once the 2012 Operating Budget for Westchester County is adopted by the Board of Legislators.

This agreement serves a public purpose as it provides public transportation services to the residents of Westchester County. This agreement will be monitored by the Department of Public Works and Transportation to ensure compliance with the agreement terms.

In view of the importance of this Public Transportation Service, I recommend approval of the attached resolution.

Attachment

RESOLUTION

Upon a communication from the Commissioner of Public Works and Transportation, be it hereby:

RESOLVED, that the County of Westchester (the "County") is hereby authorized to enter into an agreement with Liberty Lines Transit, Inc. ("LLT") for the provision of Public Transportation Services as part of the Bee-Line Bus System for the period January 1, 2012 through December 31, 2012, in an amount not to exceed \$99,239,048.00, payable pursuant to an approved budget and subject to appropriation; and be it further

RESOLVED, that the County is hereby allowed to make advance payments to LLT; and be it further

RESOLVED, that this Agreement is subject to appropriation; 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 authorized to execute any and all instruments and take such other actions as may reasonably be necessary to effectuate the purposes thereof.

(Agreement No. 11-941)

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
	101	44	2100	4924		\$99,239,048.00

Budget Funding Year(s) 2012 Start Date January 1, 2012 End Date December 31, 2012
 (must match resolution)

Funding Source: Tax Dollars \$47,499,504.00
 State Aid \$34,825,163.00
\$99,239,048.00 Federal Aid \$16,914,381.00
 (must match resolution) Other _____