

52662

TO: Board of Acquisition and Contract

FROM: Thomas J. Lauro, P.E.
Acting Commissioner of Public Works and Transportation

DATE: August 30, 2016

SUBJECT: Authority to amend an agreement with the Town of Cortlandt pursuant to which the County agreed to transfer three (3) paratransit vehicles pursuant to the lottery held on May 18, 2016 in accordance with Section 131.41 of the Laws of Westchester County, by substituting two (2) Ford E350 Vehicles for two (2) Ford Transit Connect Vehicles, with all other terms and conditions to remain the same. (Agreement No. DOTOP07-16)

As your Honorable Board is aware, pursuant to Section 131.41 of the Laws of Westchester County, the County of Westchester (the "County") is authorized to hold a lottery offering surplus or obsolete paratransit vans to Westchester County "municipalities", including cities, towns, villages, boards of cooperative educational services, fire districts, and school districts, for use in conjunction with various local or regional programs that benefit Westchester County residents.

To be considered for the lottery, interested municipalities are required to submit an application stating both the need for the paratransit van and the way in which it would be used to benefit the citizens of Westchester County. The municipality also needed to indicate in its application that, upon winning the lottery it would enter into an agreement with the County to certify that it would comply with any restrictions imposed by federal or state funding and hold the County harmless in connection therewith.

The lottery was held on May 18, 2016. The Town of Cortlandt (the "Town") was successful in its bid to obtain three (3) paratransit vehicles and selected the three (3) vehicles set forth below:

<u>Municipality</u>	<u>Year</u>	<u>Make</u>	<u>VIN#</u>
Cortlandt	2009	FORD E350	1FDWE35P69DA78237
Cortlandt	2012	FORD Transit Connect	NMOKS9CN0CT082178
Cortlandt	2012	FORD Transit Connect	NMOKS9CN2CT082179

Thereafter, by resolution approved on June 30, 2016, your Honorable Board authorized the County to enter into an agreement with the Town to transfer ownership of the paratransit vehicles set forth above in "AS IS" condition for the sum of One (\$1.00) Dollar and with a commitment by the Town to using the vehicles for purposes that benefit the citizens of Westchester County (the "Agreement"). The Agreement was subsequently executed.

Due to an administrative oversight, only one (1) of the three (3) vehicles selected by the Town and transferred under the Agreement, the 2009 FORD E350 (VIN# 1FDWE35P69DA78237), was actually eligible for selection under the lottery. The other two (2) vehicles, the FORD Transit Connects, which are not paratransit vans, were not eligible.

The Town, having been made aware of the error, subsequently selected two (2) eligible FORD E350 paratransit vans in substitution for the two (2) FORD Transit Connect vehicles, as set forth below:

<u>Municipality</u>	<u>Year</u>	<u>Make</u>	<u>VIN#</u>
Cortlandt	2009	FORD E350	1FDWE35P29DA78249
Cortlandt	2009	FORD E350	1FDWE35PX9DA78242

The parties now wish to amend the Agreement to reflect the transfer of three (3) FORD E350 paratransit vans only. Accordingly, authority is respectfully requested to amend the Agreement with the Town by substituting the two (2) FORD E350 models referenced above for the two FORD Transit Connects referenced under the original Agreement, as set forth below:

ORIGINAL AGREEMENT

<u>Municipality</u>	<u>Year</u>	<u>Make</u>	<u>VIN#</u>
Cortlandt	2009	FORD E350	1FDWE35P69DA78237
Cortlandt	2012	FORD Transit Connect	NMOKS9CN0CT082178
Cortlandt	2012	FORD Transit Connect	NMOKS9CN2CT082179

AMENDED AGREEMENT

<u>Municipality</u>	<u>Year</u>	<u>Make</u>	<u>VIN#</u>
Cortlandt	2009	FORD E350	1FDWE35P69DA78237
Cortlandt	2009	FORD E350	1FDWE35P29DA78249
Cortlandt	2009	FORD E350	1FDWE35PX9DA78242

Except as otherwise specifically amended hereby, all remaining terms and conditions set forth under the Agreement shall remain in full force and effect.

The goals and objectives of this lottery program are to ensure that the municipalities will be able to use and operate paratransit buses to benefit the citizens of Westchester County.

The proposed Agreement is in the public's best interest and will promote the safety and general welfare of the public by offering transportation for those in need. In addition, the proposed agreement provides a valuable asset to the municipality that could not otherwise afford to purchase a new or used vehicle. The Department of Public Works and Transportation will monitor the transfer of each paratransit vehicle to ensure compliance with the terms of the agreement.

RESOLUTION

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

RESOLVED, that the County of Westchester, acting by and through its Department of Public Works and Transportation, is hereby authorized to amend an agreement with the Town of Cortlandt (the "Town") whereby the County agreed to transfer three (3) paratransit vehicles in "AS IS" condition for the sum of One (\$1.00) Dollar and with a commitment by the Town to using the vehicles for purposes that benefit the citizens of Westchester County pursuant to the lottery held on May 18, 2016, in accordance with Section 131.41 of the Laws of Westchester County (the "Agreement"), by reflecting the substitution of two (2) Ford E350 Vehicles for two (2) Ford Transit Connect Vehicles, as set forth below:

ORIGINAL AGREEMENT

<u>Municipality</u>	<u>Year</u>	<u>Make</u>	<u>VIN#</u>
Cortlandt	2009	FORD E350	1FDWE35P69DA78237
Cortlandt	2012	FORD Transit Connect	NMOKS9CN0CT082178
Cortlandt	2012	FORD Transit Connect	NMOKS9CN2CT082179

AMENDED AGREEMENT

<u>Municipality</u>	<u>Year</u>	<u>Make</u>	<u>VIN#</u>
Cortlandt	2009	FORD E350	1FDWE35P69DA78237
Cortlandt	2009	FORD E350	1FDWE35P29DA78249
Cortlandt	2009	FORD E350	1FDWE35PX9DA78242

; and be it further

RESOLVED, that except as otherwise specifically amended hereby, all remaining terms and conditions set forth under the Agreement shall remain in full force and effect; and be it further

RESOLVED, that the County Executive or his duly authorized designee, is hereby authorized to execute such documents and take such actions as may be necessary and appropriate to effectuate the purposes hereof.

Agreement No. DOTOP07-16

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	N/A					

Budget Funding Year(s): _____ Start Date: _____ End Date: _____
(must match resolution)

Funding Source: Tax Dollars _____ N/A _____

State Aid _____

\$ N/A _____ Federal Aid _____
(must match resolution)

Other _____