

53005

DATE: October 20, 2016

TO: Board of Acquisition and Contract

FROM: Vincent F. Kopicki, P.E.
Commissioner, Department of Public Works and Transportation

Evan Latainer
Director, Office for People with Disabilities

SUBJECT: Authority for the County to enter into an agreement with Suburban Paratransit Service, Inc. and White Plains Bus Co., Inc. concerning, and whereby the County will consent to, Suburban Paratransit Service, Inc. assigning to White Plains Bus Co., Inc., effective January 1, 2017, a contract under which Suburban Paratransit Service, Inc. was to provide the County with paratransit services in Westchester County. (Agreement No. DOTOP03-15)

By a resolution approved on December 18, 2014, your Honorable Board authorized the County of Westchester (the "County") to enter into an agreement with Suburban Paratransit Service, Inc. ("Suburban"), pursuant to which Suburban was to provide the County with paratransit services in Westchester County, for the period from January 1, 2015 through December 31, 2017, for a total amount not-to-exceed \$30,878,310.00, with the County having the option to extend the agreement for a two (2) year term thereafter (the "Original Agreement"). The Original Agreement was subsequently executed.

By a resolution approved on September 22, 2016, your Honorable Board authorized the County to amend the Original Agreement by removing Suburban's obligation to provide and install mobile data terminals in all paratransit vehicles (the "Amendment"). The Amendment was subsequently executed.

Suburban has advised the County that Suburban and White Plains Bus Co., Inc. ("White Plains Bus"), which are both now owned by National Express LLC ("NE"), will begin using NE's payroll system on January 1, 2017. Suburban has advised that, therefore, as of January 1, 2017, it will be very cumbersome for it and White Plains Bus to share drivers, as they have done in the past. Suburban has advised the County that it would therefore be preferable and beneficial for just one of Suburban and White Plains Bus to provide services going forward.

Suburban has advised the County that, a.) White Plains Bus is willing and able to provide all of the services that have heretofore been provided by Suburban under the Original Agreement, as amended by the Amendment, (the "Agreement") and to do so using an assumed name of "Suburban Paratransit Service"; b.) Suburban is willing to assign to White Plains Bus,

effective January 1, 2017, its right, privilege, interest, obligation and duty of performance under the Agreement; and c.) White Plains Bus is willing to accept such an assignment from Suburban.

However, under the Agreement, Suburban may not make such an assignment without the prior written consent of the County.

Therefore, the County respectfully requests authority from your Honorable Board to enter into an agreement with Suburban and White Plains Bus (the "Assignment Agreement"), pursuant to which:

- 1.) Suburban will assign to White Plains Bus, effective January 1, 2017, all of Suburban's right, privilege, interest, obligation and duty of performance in, to, and under the Agreement (the "Assignment");
- 2.) White Plains Bus will accept the Assignment from Suburban and, accordingly, agree to perform under the Agreement through the remainder of its term as if it were an original party thereto, with all terms and conditions of the Agreement remaining in full force and effect, and to perform using an assumed name of "Suburban Paratransit Service"; and
- 3.) the County will consent to the Assignment.

The proposed Assignment Agreement will serve a public purpose by ensuring that the County continues to receive the paratransit services from a qualified vendor with adequate staffing, and do so under the terms (including cost) of the Agreement that was procured in 2014.

The goal and objective of the proposed Assignment Agreement is to ensure that the County continues to receive the paratransit services from a qualified vendor with adequate staffing, and do so under the terms (including cost) of the Agreement that was procured in 2014.

The goal and objective of the proposed Assignment Agreement is in the best interests of the County in terms of health, as it will ensure that the County continues to receive from a qualified, adequately-staffed vendor the paratransit services needed for riders who are unable to ride regular Bee-Line bus service. The goal and objective of the proposed Assignment Agreement is also in the best interests of the County in terms of fiscal responsibility, as it will ensure that the County continues to receive the paratransit services at the costs that were agreed-upon as part of the Agreement that was procured in 2014.

The goal and objective of the proposed Assignment Agreement will be tracked and monitored by the staff of the Department of Public Works and Transportation and Office for People with Disabilities.

I respectfully recommend the adoption of the attached resolution.

VFK/EL/bdm/nn

RESOLUTION

Upon a communication from the Commissioner of the Department of Public Works and Transportation and the Director of the Office for People with Disabilities, be it hereby:

RESOLVED, that the County of Westchester (the "County") is hereby authorized to enter into an agreement with Suburban Paratransit Service, Inc. ("Suburban") and White Plains Bus Co., Inc. ("White Plains Bus"), pursuant to which:

- 1.) Suburban will assign to White Plains Bus, effective January 1, 2017, all of Suburban's right, privilege, interest, obligation and duty of performance in, to, and under Suburban's agreement with the County, as amended, (the "Agreement"), pursuant to which Suburban was to provide the County with paratransit services in Westchester County, for the period from January 1, 2015 through December 31, 2017, for a total amount not-to-exceed \$30,878,310.00, with the County having the option to extend the agreement for a two (2) year term thereafter (the "Assignment");
- 2.) White Plains Bus will accept the Assignment from Suburban and, accordingly, agree to perform under the Agreement through the remainder of its term as if it were an original party thereto, with all terms and conditions of the Agreement remaining in full force and effect, and to perform using an assumed name of "Suburban Paratransit Service"; and
- 3.) the County will consent to the Assignment.

; and be it further

RESOLVED that the County Executive or his duly authorized designee is hereby authorized to take such action and execute such documents as may be necessary and proper to effect the purposes hereof.

Agreement No. DOTOP03-15

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	101	44	2100	4925		N/A

Budget Funding Year(s) N/A Start Date 01/01/2017 End Date 12/31/17
 (must match resolution)

Funding Source: Tax Dollars _____
 State Aid _____
 \$ N/A Federal Aid _____
 (must match resolution) Other _____