

54629

TO: Honorable Board of Acquisition and Contract

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

DATE: January 17, 2017

SUBJECT: Authorization to enter into a Sixth Amendment to Agreement No. DOTOP03-17 with MTA Metro-North Commuter Railroad Company ("Metro-North") to exercise the renewal option of the Agreement through December 31, 2016, and to extend the term of the current agreement through April 30, 2017.

On May 1, 1997, your Honorable Board approved a Resolution authorizing the County of Westchester (the "County") to enter into an agreement with the MTA Metro-North Commuter Railroad Company ("Metro-North") for Metro-North to provide financial assistance with bus service between corporate employers and certain commuter train stations. The agreement was for a five (5) year term.

On October 26, 2000, your Honorable Board approved a Resolution to replace the 1997 Agreement with one terminating on April 30, 2003. On February 20, 2003, your Honorable Board authorized a Second Amendment to that Agreement and an extension of the term through December 31, 2008. On March 27, 2003, your Honorable Board approved a Resolution authorizing a Third Amendment to the Agreement to reflect a change in the price structure for the "UNITICKET" and the reimbursement rate to provide for Bee-Line Bus System fare increases, as well as specifying that Metro-North's payments would be made on a semi-annual basis.

On June 7, 2007, your Honorable Board approved a Fourth Amendment to the Agreement to extend the term through December 31, 2013, with a mutual option to extend it for an additional three (3) years through December 31, 2016. In addition, the Fourth Amendment provided for Metro-North to pay the County a flat rate subsidy of \$200,000.00 for the 2007 calendar year. This amount formed a base rate that was adjusted each subsequent year according to the Consumer Price Index for Wage Earners and Clerical Workers in New York, Northern New Jersey and Long Island.

On December 18, 2008, your Honorable Board approved a Fifth Amendment to the Agreement with Metro-North with respect to additional work required under Metro-North's contract with Gannett Fleming Engineers and Architects, P.C. to analyze and prepare an Environmental Review pursuant to the relevant requirements of the National Environmental Policy Act of 1969 and its amendments, as well as other pertinent environmental regulations for a proposed garage at the Metro-North-owned site opposite the North White Plains Station at 525 North Broadway, White Plains, New York. This additional work included planning for improvements to the County-owned surface lot on the west side of the tracks to minimize impacts of frequent flooding in the facility. The County also agreed that Metro-North would take as an offset to payments otherwise due pursuant to the Amendment and Restated Agreement, an amount equal to the County's share of this additional work up to a maximum amount of \$350,000.00.

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MTA Metro-North Commuter Railroad Company
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Authorization is now sought by the Department of Public Works and Transportation to exercise the renewal option of the existing Agreement through December 31, 2016. The County and Metro-North are in discussions concerning a long term extension of the Agreement. While such discussions continue, the County is also seeking authorization to extend the term of the current Agreement through April 30, 2017.

I recommend approval of the attached proposed Resolution.

VFK/DLV/dv

APPROVED BOARD OF ACQUISITION & CONTRACT - 02/10/2017 - J. J. MUJAJ, SECRETARY

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 a Sixth Amendment to an Agreement with MTA Metro-North Commuter Railroad Company ("Metro-North") for Metro-North to provide financial assistance with bus service between corporate employers and certain commuter train stations in order to exercise the renewal option of the Agreement through December 31, 2016; and be it further

RESOLVED, that the Sixth Amendment shall also extend the current Agreement through April 30, 2017, while the County and Metro-North are in discussions concerning a long term extension of the Agreement; and be it further

RESOLVED, that all other terms of the Agreement shall remain unchanged; and be it further

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

Agreement No. DOTOP03-17

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Revenue Source	Trust Account	Dollars
	101	44	2100	9289		N/A

Budget Funding Year(s) N/A Start Date 01/01/2017 End Date 04/30/2017
(must match resolution)

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

APPROVED BOARD OF ACQUISITION & CONTRACTS 02/10/2017 LEGAL COUNSEL SECRETARY