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DATE: September 12, 2017

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 of Westchester to amend its agreement (Agreement No. DOTOP03-15) with White Plains Bus Co., Inc., doing business as Suburban Paratransit Service, Inc. to provide the County with paratransit services in Westchester County from January 1, 2015 through December 31, 2017, in order to increase the not-to-exceed amount by \$3,750,000.00 for a total new not-to exceed amount of \$34,628,310.00; and

Authority for the County to exercise its option to extend its agreement (Agreement No. DOTOP03-15) with White Plains Bus Co., Inc., doing business as Suburban Paratransit Service, Inc. to provide the County with paratransit services in Westchester County from January 1, 2018 through December 31, 2019 for an amount not-to-exceed \$25,600,000.00.

By a resolution approved on December 18, 2014, your Honorable Board authorized the County of Westchester (the "County"), acting by and through its Department of Public Works and Transportation (the "Department") 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, Contract No. DOTOP03-15, 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 "First Amendment"). The First Amendment was subsequently executed.

By a resolution approved on October 28, 2016, your Honorable Board authorized the County to enter into an agreement (the "Assignment Agreement") with Suburban and White Plains Bus Co., Inc. ("White Plains Bus"), pursuant to which:

- 1.) Suburban would 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; and

- 2.) White Plains Bus would accept the assignment from Suburban and, accordingly, agree to perform under the Assignment Agreement through the remainder of its term as if it were an original party thereto, with all terms and conditions of the Original Agreement as amended by the First Amendment remaining in full force and effect, and to perform using an assumed name of "Suburban Paratransit Service".

The Assignment Agreement was subsequently executed.

The County had projected the ridership under the initial three (3) year program to be approximately 730,000 trips. During the period from 2015 to 2016, Para Transit ridership in Westchester County under the program was 527,215 trips and for 2017 we anticipate 278,000 trips. Combined, anticipated Para Transit ridership is 75,215 trips or 10% over the initial 730,000. Due to this increase, the not-to-exceed amount of the Original Agreement will fall short of that needed to continue to provide the service through the end of the term.

Therefore, authority is respectfully requested to amend the Original Agreement with White Plains Bus, in order to increase the not-to-exceed amount by \$3,750,000.00 for a total new not-to exceed amount of \$34,628,310.00 for the term of the Original Agreement.

Additionally, based on the success of this initiative and satisfactory performance by White Plains Bus, the Department is seeking to exercise its option to extend this agreement for a period of two (2) years from January 1, 2018 through December 31, 2019 (the "Extension Period") for an amount not-to-exceed \$25,600,000.00.

National Express, LLC, the parent company of White Plains Bus, has agreed to honor the 2017 price per trip of \$42.27 throughout the Extension Period rather than raise the price per trip each additional year as originally stipulated.

Accordingly, a resolution by your Honorable Board is respectfully requested authorizing the County to enter into a Second Amendment to the Original Agreement with White Plains Bus, doing business as Suburban Paratransit Service, increasing the not-to-exceed amount by \$3,750,000.00 for a total new not-to exceed amount of \$34,628,310.00 for the term of the Original Agreement

Additionally, authority is respectfully requested for the County to exercise its option to extend the term of the Agreement for two (2) years from January 1, 2018 through December 31, 2019 for an amount not-to-exceed \$25,600,000.00 with the same terms and conditions as the Original Agreement as amended by the First Amendment, and a fixed price per trip of \$42.27 throughout the Extension Period.

The proposed Second Amendment 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 of the Agreement that was procured in 2014, with the additional benefit of a fixed price per trip.

Board of Acquisition and Contract
Authority to Amend Agreement No. DOTOP03-15 and
Authority to Exercise the County's Option to Extend Agreement No. DOTOP03-15
White Plains Bus Co., Inc. doing business as Suburban Paratransit Service, Inc.
Paratransit Services in Westchester County, New York
Page 3

The goal and objective of the proposed Second Amendment 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 Second Amendment 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, with the additional benefit of a fixed price per trip.

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

I respectfully recommend the adoption of the attached resolution.

VFK/EL/jrc

APPROVED BOARD OF ACQUISITION & CONTRACT - 11/22/2017
LISA MARIJAJ, SECRETARY

RESOLUTION

Agreement No. DOTOP03-15

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 a Second Amendment to the agreement with White Plains Bus Co., Inc., doing business as Suburban Paratransit Service, Inc. ("White Plains Bus") to provide the County with paratransit services in Westchester County from January 1, 2015 through December 31, 2017 ("Contract No. DOTOP03-15") which was authorized by resolution of this Board on December 18, 2014 and subsequently amended by the First Amendment which was authorized by resolution of this Board on September 22, 2016, and then assigned to White Plains Bus as authorized by resolution of this Board on October 28, 2016, pursuant to which the amount of Contract No. DOTOP03-15 shall be increased to an amount not to exceed \$34,628,310.00 for the original term from January 1, 2015 through December 31, 2017; and be it further

RESOLVED, that the County is hereby authorized to exercise its option to extend Contract No. DOTOP03-15, for a period of two (2) years from January 1, 2018 to December 31, 2019 (the "Extension Period"), in an amount not to exceed \$25,600,000.00; and be it further

RESOLVED, that all other provisions of Contract No. DOTOP03-15, as amended, shall remain in full force and effect throughout the Extension Period, with the exception of the price per trip which shall remain at the 2017 rate of \$42.27; and be it further

RESOLVED, that this contract 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

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.

Original Agreement: \$30,878,310.00 (Paratransit Services from 1/1/15 to 12/31/17)
 First Amendment: \$ 0.00 (Remove Suburban's Obligation to Provide/Install Mobile Data Terminals)
 Assignment Agreement: \$ 0.00 (Assignment from Suburban Paratransit, Inc. to White Plains Bus Co., Inc.)
 This Second Amendment/Extension: \$29,350,000.00 (Increase Original Agreement Amount/Two Year Extension from 1/1/18 to 12/31/19)
 New Total: \$60,228,310.00

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		\$ 3,750,000.00 (2017)
101	44	2100	4925		\$12,600,000.00 (2018)
101	44	2100	4925		\$13,000,000.00 (2019)

Budget Funding Year(s): 2015-2019 Start Date: 01/01/2018 End Date: 12/31/2019
 (must match resolution)

Funding Source: Tax Dollars \$29,350,000.00
 State Aid _____
\$29,350,000.00 Federal Aid _____
 (must match resolution) Other _____