

60358

TO: Board of Acquisition and Contract

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

Evan Latainer, Director
Office for People with Disabilities

DATE: December 4, 2017

SUBJECT: Resolution to exempt from the Westchester County Procurement Policy, pursuant to Section 3(a)xxi of the Westchester County Procurement Policy and Procedures, an amendment to extend the agreement between the County of Westchester (the "County") and Act Now Limousine Service Inc. for the provision of taxi services within the City of Peekskill to customers of the County's Para Transit service for a period of five months from January 1, 2018 through May 31, 2018 and to increase the not-to-exceed amount of the agreement by \$55,000.00. (Contract No. OFDACTNOW13)

Authority is hereby requested from your Honorable Board to exempt from the Westchester County Procurement Policy, pursuant to Section 3(a)xxi of the Westchester County Procurement Policy and Procedures, an amendment to extend the agreement (the "Agreement" or "Act Now Agreement") between the County of Westchester (the "County") and Act Now Limousine Service Inc. ("Act Now") for the provision of taxi services within the City of Peekskill to customers of the County's Para Transit service for a period of five months from January 1, 2018 through May 31, 2017 and to increase the not-to-exceed amount of the agreement by \$55,000.00.

Pursuant to a resolution approved on December 6, 2012, the County of Westchester (the "County") entered into a one (1) year Agreement commencing January 1, 2013 with Act Now for the provision of taxi services within the City of Peekskill to customers of the County's Para Transit service that opt to utilize a taxi rather than the standard Para Transit service vehicles in an amount not to exceed \$60,140.00.

Pursuant to a resolution approved on December 5, 2013, the Agreement was amended to increase the not to exceed dollar amount by an additional \$32,860.00 to cover an unanticipated increase in the amount of services required and to revise the description of one of the service zones. The Agreement includes options for the County to renew the Agreement for four (4) additional one (1) year periods.

Pursuant to a resolution approved on December 19, 2013, the Agreement was extended for the year 2014 in an amount not to exceed \$100,000.00. Due to an unanticipated increase in the amount of services required in 2014, pursuant to a resolution approved on October 30, 2014, a Second Amendment was executed increasing the not to exceed dollar amount of the Agreement by an additional \$20,000.00.

Pursuant to a resolution approved on February 5, 2015, the Agreement was extended for the year 2015 in an amount not to exceed \$130,000.00. Pursuant to a resolution approved on February 18, 2016, the Agreement was extended for the year 2016 in an amount not to exceed \$130,000.00.

Pursuant to a resolution approved on December 29, 2016, the Agreement was extended for the year 2017 in an amount not to exceed \$130,000.00.

Notwithstanding the success of this initiative and satisfactory performance by the contractor, the Department of Public Works and Transportation and the Office for the Disabled have been evaluating the benefits and savings to the County of changing the program from the use of taxi services to the use of car-for-hire (black car) services in Peekskill. While the County has determined that this change would be the best course of action for the near future, there was not enough time to issue a request for proposals and contract with a successful proposer before the expiration of the Act Now Agreement. Therefore we are seeking to extend the Act Now Agreement for five months to May 31, 2018 and to increase the total amount of the Agreement by an additional \$55,000.00 to cover the services provided during the 2018 extension period.

The purpose of this extension is to ensure continuation of the Peekskill Taxi program serving the City of Peekskill and a 5.1 mile radius of the surrounding areas within Westchester County during the period of time the County plans and implements the change in the program to car-for-hire services. The extension of this Agreement is in the public's best interest because it will continue to provide a cost effective alternative to traditional Para Transit for ambulatory citizens. Please note this service also provides day to day ParaTransit services to our ridership who travel to the KEON Center, a day program for the disabled community who rely on this service for their vocational, counseling and various supports daily. This segment of the ParaTransit program also provides significant cost savings in comparison to the traditional ParaTransit service.

Compliance with the procurement policy in this instance would not be in the best interest of the County because it would mean the County would have to allow the Act Now Agreement to lapse and revert to the use of other more costly Para Transit services to replace this valuable service to our ridership.

Pursuant to Section 3(a)xxi of the Westchester County Procurement Policy and Procedures, the Procurement Policy and Procedures are not applicable to any procurement for which this Honorable Board determines, by resolution passed prior to commencing such procurement, that compliance with the Procurement Policy and Procedures would not be in the best interests of the County. For the reasons set forth above, it is proposed that the best interests of the County would be served by exempting these agreements from the Westchester County Procurement Policy and Procedures. A resolution to exempt these agreements from Procurement Policy is hereby submitted for your consideration.

RESOLUTION

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

RESOLVED, that pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, it is hereby determined that application of the procedural requirements contained therein, including the necessity of soliciting proposals, is neither cost-effective nor expedient, and accordingly, not in the best interests of the County in connection with the amendment to extend the Agreement between the County of Westchester (the "County") and Act Now Limousine Service Inc. for the provision of taxi services within the City of Peekskill to customers of the County's Para Transit service for a period of five months from January 1, 2018 through May 31, 2018 and to increase the not-to-exceed amount of the agreement by \$55,000.00.

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/21/2017 - 11:54 AM - PUBLIC SECRETARY