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DATE: September 15, 2020

TO: Board of Acquisition and Contract

FROM: Hugh J. Greechan, Jr., P.E.  
Commissioner of Public Works and Transportation

SUBJECT: Authority to exempt from the Westchester County Procurement Policy, pursuant to Section 3(a)(xxi) thereof, the procurement of an agreement with STV Incorporated, (Agreement No. DOTCAP01-20) pursuant to which it will provide the County with consulting services concerning the procurement of all-electric buses and related equipment.

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Authority is hereby requested from your Honorable Board to exempt from the Westchester County Procurement Policy, pursuant to Section 3(a)(xxi) thereof, the procurement by the County of Westchester (the "County") of an agreement with STV Incorporated ("STV"), pursuant to which STV will provide the County with consulting services (the "Services") concerning the County's procurement of all-electric buses and related equipment (the "Agreement").

The Services are largely similar to such consulting services that the County has procured in the past for services concerning procurement of buses. Those consulting services that were procured in the past were obtained through requests for proposals in both 2014 and 2019. In 2014, the County received two (2) proposals, and in 2019, the County received one (1) proposal. This occurred despite the County having advertising the requests for proposals in, among other places, "Passenger Transport", which is published by the American Public Transportation Association and serves as an industry trade journal that is read by consultants, manufacturers, and the like that work in the bus industry. The County believes that it was reasonably assured that all prospective proposers that were capable of providing such consulting services, and potentially interested in doing so, would have reviewed the County's advertisements in Passenger Transport for those previous procurements.

The County was and is aware that there has been consolidation in the industry over the past several years, such that, no matter what advertising it might undertake, it might only expect a maximum of two (2) proposals in response to a request for proposals for such consulting services: one from STV and one from Ameritran Service Corporation, which does business as Transit Resource Center ("TRC").

Both STV and TRC submitted a proposal in response to the 2014 request for proposals. However, in response to the 2019 request for proposals, only STV submitted a proposal. In order to obtain more information about the situation in 2019, the County, during that process, contacted TRC. TRC advised that it made a business decision about not submitting a proposal.

Given its experience with the request for proposals in 2014 and, especially, the request for proposals in 2019, and given the fact that the not-to-exceed amount of the proposed Agreement is less than forty percent (40%) of the then-expected value of the agreement that was procured through the request for proposals in 2019, the County is highly uncertain about whether a request for proposals for the Services would even attract a second proposal in addition to one from STV.

The purchase of all-electric buses is a top priority for the County. The County recently received \$1.5 million in Federal Transit Administration (“FTA”) competitive funding for the procurement of two (2) 40-foot all-electric buses. As part of the FTA funding application, the Department of Public Works and Transportation included STV as the County’s “partner” providing procurement-related consulting services. As the County was successful in obtaining the grant funds, the Department of Public Works and Transportation recommends that the County now expeditiously engage STV to provide the Services so that the procurement of the two (2) grant-funded, all-electric buses can move forward as soon as possible.

Notably, the County is also currently pursuing the purchase of four (4) 35-foot all-electric buses. This additional procurement process is also expected to move forward relatively quickly, as the County is anticipating using a ‘piggyback’ procurement option in order to expedite the purchase. The Services from STV will also be involved in that additional procurement.

Finally, the County is currently pursuing the installation of electric charging equipment/infrastructure at the Cerrato Satellite Bus Facility in Valhalla to charge the all-electric buses once they arrive. As part of the Services, STV will assist with technical support concerning the upcoming installation of the charging equipment/infrastructure.

Based on STV’s performance under previous contracts with the County, the County is satisfied that it is a responsible vendor for the Services.

Therefore, it is proposed that the best interests of the County would be served by exempting the procurement of the proposed Agreement from the Westchester County Procurement Policy, pursuant to Section 3(a)(xxi) thereof. Accordingly, a resolution to exempt this procurement is hereby submitted for your consideration.

# **RESOLUTION**

Agreement No. DOTCAP01-20

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

**RESOLVED**, that pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy, 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 of Westchester in connection with the procurement of an agreement with STV Incorporated (“STV”), pursuant to which STV will provide the County with consulting services concerning the County’s procurement of all-electric buses and related equipment.

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APPROVED BOARD OF ACQUISITION & CONTRACT - 09/24/2015  
LISA MARIJA SECRETARY