

#85318

Date: May 27, 2021

To: Honorable Board of Acquisition and Contract

From: Hugh J. Greechan, Jr. P.E.  
Commissioner of Public Works and Transportation  
  
Evan Latainer  
Director, Office for People with Disabilities

Re: Resolution to exempt from the Westchester County Procurement Policy pursuant to Section 3(a) xxi thereof, the procurement of an agreement with ACT Now Limousine Services, Inc. to provide For Hire Car Services within the City of Peekskill and specific outlying areas to supplement Westchester County's ParaTransit service, for a term from June 1, 2021 through May 31, 2022, for an amount not to exceed \$320,000.00 payable pursuant to specified rates and subject to budget appropriations. (Agreement No. DOTOP05-21)

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Authority is hereby requested from your Honorable Board to exempt the procurement of an agreement with ACT Now Limousine Services, Inc. ("ACT Now") to provide For Hire Car Services within the City of Peekskill and specific outlying areas to supplement Westchester County's ParaTransit service for a term from June 1, 2021 through May 31, 2022, for an amount not to exceed \$320,000.00 payable pursuant to specified rates and subject to budget appropriations.

Ordinarily under Section 6 of the County Procurement Policy, the County is required to issue a Request for Proposals ("RFP") to solicit such services. A prior RFP process resulted in an agreement with ACT Now which is expiring. However, the COVID-19 pandemic caused a drastic reduction in the number of people using the paratransit system in the past year. As a result, the current level of ridership would not provide a realistic analysis for potential proposers to price a long-term contract. Cost proposals would likely be much higher than the most recent contract. Given the current social distancing requirements, proposers may have difficulty providing appropriately sized locations for operations.

ACT Now has demonstrated its capability to operate during the most trying circumstances, and is willing to maintain its pre-pandemic pricing for another year. Therefore, the County feels that it is in the best interest of the County to enter into a new one-year agreement with ACT Now. The County intends to commence another RFP process for these services in late 2021.

Pursuant to Section 3 (a) (xxi) of the Procurement Policy, where this Honorable Board determines by resolution passed prior to the commencement of procurement that compliance with the Procurement Policy would not be in the best interests of the County, the requirements of the Procurement Policy may be waived. For the reasons set forth above, it is believed that compliance with the Procurement Policy in connection with the procurement of an agreement with WPBC would not be in the best interests of the County and accordingly should be waived.

Your Honorable Board's approval of the annexed resolution is respectfully requested.

# RESOLUTION

## Agreement No.

Upon a communication from the Commissioner of Public Works and Transportation and the Director, 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 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 ACT Now Limousine Services, Inc. to provide For Hire Car Services within the City of Peekskill and specific outlying areas to supplement Westchester County's ParaTransit service for a term from June 1, 2021 through May 31, 2022, for an amount not to exceed \$320,000.00 payable pursuant to specified rates and subject to budget appropriations.

APPROVED BOARD OF ACQUISITION & CONTRACT ADMINISTRATION  
MARIJAN SECRETARY