

**51188**

**DATE:** February 23, 2016

**TO:** Board of Acquisition & Contract

**FROM:** Mae Carpenter  
Commissioner, Department of Senior Programs and Services

**RE:** Authority for the County of Westchester to amend its agreement with J&R Tours LTD for group transportation services for senior citizens, in order to:

- 1.) exercise its fourth option under the agreement, and consequently:
  - a.) extend the termination date of the agreement from December 31, 2014 to December 31, 2016, and
  - b.) increase the not-to-exceed amount authorized for the agreement by \$51,124.00 in federal funds, to pay for services during the extended term; and
- 2.) add certain “Standard Assurances” including federal and state revised statutes, regulations, policies and contract requirements as mandated by the New York State Office for the Aging.

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By a resolution approved on August 16, 2012, your Honorable Board authorized the County of Westchester (the “County”) to enter into an agreement with J&R Tours LTD (“J&R Tours”), pursuant to which J&R Tours was to provide group transportation services for senior citizens (the “Services”), for an amount not-to-exceed \$66,124.00, for a term commencing on January 1, 2012 and continuing through December 31, 2012, with the County having the option to extend the term for up to four (4) additional one (1) year periods utilizing the same pricing, terms, and conditions, except that the pricing would be subject to adjustment for each option year based on 100% of the percentage increase in the ‘Consumer Price Index Public Transportation – U.S. City Average’ (the “Original Agreement”). The Original Agreement was subsequently executed.

By a resolution approved on May 16, 2013, your Honorable Board authorized the County to amend the Original Agreement based upon the County exercising its first option under the Original Agreement, and consequently, 1.) extend the termination date of the Original Agreement, from December 31, 2012 to December 31, 2013, and 2.) increase the not-to-exceed amount authorized under the Original Agreement by \$41,124.00, for services to be provided

during the extended term, to a new total not-to-exceed amount of \$107,248.00 (the “First Amendment”). The First Amendment was subsequently executed.

By a resolution approved on April 24, 2014, your Honorable Board authorized the County to further amend the Original Agreement based upon the County exercising its second option under the Original Agreement, and consequently, 1.) extend the termination date of the Original Agreement, from December 31, 2013 to December 31, 2014, and 2.) increase the not-to-exceed amount authorized under the Original Agreement by \$41,124.00, for services to be provided during the extended term, to a new total not-to-exceed amount of \$148,372.00 (the “Second Amendment”). The Second Amendment was subsequently executed.

By a resolution approved on February 19, 2015, your Honorable Board authorized the County to further amend the Original Agreement based upon the County exercising its third option under the Original Agreement, and consequently, 1.) extend the termination date of the Original Agreement, from December 31, 2013 to December 31, 2015, and 2.) increase the not-to-exceed amount authorized under the Original Agreement by \$51,124.00, for services to be provided during the extended term, to a new total not-to-exceed amount of \$199,496.00 (the “Third Amendment”). The Third Amendment was subsequently executed.

The County has determined that it requires the Services for the calendar year 2016. J&R Tours has satisfactorily provided the Services and, under the Original Agreement, as amended by the First Amendment, Second Amendment and Third Amendment, (the “Agreement”). The County has one (1) remaining one (1) year option.

Therefore, the County, acting by and through its Department of Senior Programs and Services (the “Department”), and in accordance with the applicable Federal regulations, performed a price analysis of the County’s option for 2016 under the Agreement. After soliciting and analyzing current price quotes from two (2) other vendors that could provide the Services, the Department concluded that it is most economically prudent to exercise the County’s option under the Agreement in order to obtain the Services for 2016.

Accordingly, the County is seeking to exercise its fourth option under the Agreement and consequently extend the termination date of the Agreement from December 31, 2014 to December 31, 2016. Under the Agreement, the County pays for the Services at specified hourly rates. The Department has determined that, based upon the hourly rates for the Services under the option for 2016, the County will need to increase the not-to-exceed amount of the Agreement by \$51,124.00 in federal funds for the Services for 2016, to a new total not-to-exceed amount of \$250,620.00. It should be noted that the Department arrived at the current not-to-exceed amount based on the number of group transportation hours projected to be used.

In addition to exercising its fourth renewal option, the County also respectfully requests authority to further amend the Agreement in order to incorporate certain “Standard Assurances” as mandated by the New York State Office for the Aging (“NYSOFA”), including but not limited to a revised list of federal and state statutes, regulations, policies and contract provisions applicable to the Program.

Accordingly, the County respectfully requests that your Honorable Board authorize the County to amend the Agreement (the "Fourth Amendment") by:

- 1.) exercising its fourth option under the Agreement, and consequently:
  - a.) extending the termination date of the Agreement from December 31, 2014 to December 31, 2016;
  - b.) increasing the not-to-exceed amount authorized for the Agreement by \$51,124.00 in federal funds, to pay for services during the extended term, and;
- 2.) incorporating certain "Standard Assurances" as mandated by the New York State Office for the Aging ("NYSOFA"), including but not limited to a revised list of federal and state statutes, regulations, policies and contract provisions applicable to the Program.

Except as specifically amended hereby, all terms and conditions of the Agreement shall remain in full force and effect.

The proposed Fourth Amendment will serve a public purpose by providing the County with the group transportation services for senior citizens that the County requires for 2016.

The goal and objective of the proposed Fourth Amendment is to provide the County with the group transportation services for senior citizens that the County requires for 2016.

The goal and objective of the proposed Fourth Amendment is in the best interests of the County in terms of health and the environment, as the group transportation services for senior citizens provides those senior citizens with access to programs, activities, and events that aid in preventing their premature physical and psychological deterioration.

The goals and objectives of the proposed Fourth Amendment will be tracked and monitored by the Department.

Accordingly, I recommend adoption of the proposed resolution.

MC/SJ

## RESOLUTION

Upon a communication from the Commissioner of Senior Programs and Services, be it hereby:

**RESOLVED**, that the County of Westchester (the "County") is hereby authorized to amend an agreement with J&R Tours LTD (the "J&R Tours"), pursuant to which J&R Tours was to provide group transportation services for senior citizens (the "Services"), for an amount not-to-exceed \$199,496.00, for a term commencing on January 1, 2012 and continuing through December 31, 2015, with the County having the option to extend the term for up to one (1) additional one (1) year period utilizing the same pricing, terms, and conditions, except that the pricing would be subject to adjustment for each option year based on 100% of the percentage increase in the 'Consumer Price Index Public Transportation – U.S. City Average' (the "Agreement"), by:

- 1.) exercising its fourth and final option under the Agreement, and consequently:
  - a.) extending the termination date of the Agreement from December 31, 2015 to December 31, 2016, and
  - b.) increasing the not-to-exceed amount authorized for the Agreement by \$51,124.00 in federal funds, to pay for services during the extended term; and be it further
  
- 2.) incorporating certain "Standard Assurances" as mandated by the New York State Office for the Aging ("NYSOFA"), including but not limited to a revised list of federal and state statutes, regulations, policies and contract provisions applicable to the Program.

**RESOLVED**, that except as specifically amended hereby, all terms and conditions of the Agreement shall remain in full force and effect; and be it further

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

Agreement: \$66,124.00  
 First Amendment: \$41,124.00  
 Second Amendment: \$41,124.00  
 Third Amendment: \$51,124.00  
 Fourth Amendment: \$51,124.00  
 Total: \$250,620.00

Account to be Charged/Credited

Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
263	85	686R	4380	T686	\$51,124.00

Budget Funding Years: 2016 Start Date: 1/1/16 End Date: 12/31/16  
 (must match resolution)

Funding Source Tax Dollars \_\_\_\_\_  
 State Aid \_\_\_\_\_  
\$51,124.00 Federal Aid \$51,124.00  
 (must match resolution) Other \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT - 03/17/2016 - JSA MARIJAJ, SECRETARY