

61129

January 30, 2018

TO: Honorable Board of Acquisition and Contract

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

SUBJECT: Resolution to exempt from the Westchester County Procurement Policy an amendment to a License Agreement with Accredited Limousine Service, LLC for the operation of a Taxi and Limousine concession in the main terminal building of the Westchester County Airport, pursuant to Section 3(a)xxi of the Westchester County Procurement Policy and Procedures. (Agreement No. WCA 16003)

Authority is hereby requested from your Honorable Board to exempt from the Westchester County Procurement Policy an amendment to a license agreement with Accredited Limousine Service, LLC (“Accredited”) for the operation of the Taxi and Limousine concession in the main terminal building of the Westchester County Airport (the “Airport”) for the period from April 4, 2016 through April 3, 2021 (the “Agreement”).

By resolution approved on March 31, 2016 (the “March 31st Resolution”), your Honorable Board authorized the County of Westchester (the “County”), acting by and through the Westchester County Department of Public Works and Transportation (the “Department”), to enter into a license agreement with Accredited Limousine Service, LLC (“Accredited”) for the operation of the Taxi and Limousine concession in the main terminal building of the Westchester County Airport (the “Airport”) for the period from April 4, 2016 through April 3, 2021 (the “Agreement”). The March 31st Resolution further provided, *inter alia*, that in consideration for the grant of license, Accredited would pay the County a minimum annual guaranteed license fee of \$20,000.00 as well as a fee of thirteen percent (13%) of its monthly gross revenue from its operation at the Airport. The Agreement was subsequently executed.

The County now seeks to amend the Agreement in order to reduce the amount of the monthly gross revenue payable by Accredited from thirteen percent (13%) to five percent (5%), retroactive to September 1, 2017.

Board of Acquisition and Contract
Exemption from the Westchester County Procurement Policy
First Amendment to License Agreement No. WCA 16003
Accredited Limousine Service, LLC
Taxi and Limousine Concession in Main Terminal Building
Westchester County Airport
Page 2

Ordinarily, under Section 6 of the Procurement Policy, the County is required to issue a new Request for Proposals if it seeks to materially change the revenue paid to the County under such an agreement. However, on June 29, 2017, legislation signed by Gov. Andrew Cuomo went into effect, allowing Uber and Lyft to operate in Westchester and other locations. As a consequence of this added competition, which was not anticipated at the time the March 31st Resolution was approved, Accredited has experienced a significant reduction in revenue, making the current fee sharing arrangement (whereby Accredited must pay the County thirteen percent (13%) of its gross revenue) prohibitive. Since a physical TLC presence is needed at the Airport, particularly after hours and during delays, the County proposes to amend the Agreement in order to reduce the amount of the monthly gross revenue payable by Accredited to the County from thirteen percent (13%) to five percent (5%), retroactive to September 1, 2017. The reduced revenue share will allow Accredited to continue to operate profitably and remain at the Airport in service of passengers seeking transportation services.

Pursuant to Section 3(a)xxi, the Westchester County 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 policy would not be in the best interests of the County. In light of the circumstances described above, it is proposed that the best interests of the County would be served by exempting the amendment to this Agreement from the County Procurement Policy.

Accordingly, a resolution to exempt the procurement of an amendment to an agreement with Accredited Limousine Service, LLC is hereby submitted for your consideration.

HJG/jpg
Attachment

RESOLUTION

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 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 of a license agreement with Accredited Limousine Service, LLC for the operation of the Taxi and Limousine concession in the main terminal building of the Westchester County Airport.

APPROVED BOARD OF ACQUISITION & CONTRACTS 02/22/2018 JISF MHAJ, SECRETARY