

69486

TO: 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

DATE: April 30, 2019

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 White Plains to customers of the County's Para Transit service for a period of seven months from June 1, 2019 through December 31, 2019 and to increase the not-to-exceed amount of the agreement by \$200,000.00. (Agreement No. DOTOP10-16)

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 White Plains to customers of the County's Para Transit service for a period of seven months from June 1, 2019 through December 31, 2019 and to increase the not-to-exceed amount of the agreement by \$200,000.00.

Pursuant to a resolution approved on July 14, 2016 (the "Resolution"), the County of Westchester (the "County"), acting by and through its Department of Public Works and Transportation, entered into a one (1) year Operating Agreement (the "Agreement") commencing June 1, 2016 with Act Now Limousine Service Inc. ("Act Now") for the provision of Car for Hire services within the City of White Plains and vicinity to customers of the County's Para Transit service that opt to utilize a Car for Hire rather than the standard Para Transit service vehicles in an amount not to exceed \$250,000.00. The Resolution and Agreement provided the County the option to renew the Agreement for two (2) additional one (1) year periods. The Agreement was subsequently executed.

Thereafter, by resolution approved on August 10, 2017, your Honorable Board authorized the County to exercise the first of its two (2) one year options to extend the term of the Agreement for an additional one (1) year period commencing on June 1, 2017 and continuing through May 31, 2018 in an amount not-to-exceed \$250,000.00 (the "First Amendment"). The First Amendment was subsequently executed.

Thereafter, by resolution approved on May 3, 2018, your Honorable Board authorized the County to exercise the second of its two (2) one year options to extend the term of the Agreement for an additional one (1) year period commencing on June 1, 2018 and continuing through May 31, 2019 in an amount not-to-exceed \$300,000.00 (the "Second Amendment"). The Second Amendment was subsequently executed.

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Thereafter, by resolution approved on May 24, 2018, your Honorable Board authorized the County to amend the Agreement with Act Now in order to increase the not-to-exceed amount under the Second Amendment by an additional \$25,000.00, from an amount not-to-exceed \$250,000.00, to a new amount not-to-exceed \$275,000.00, in order to have sufficient funds available to compensate Act Now for additional services rendered during the First Amendment period.

Notwithstanding the success of this initiative and satisfactory performance by the contractor, the Department of Public Works and Transportation and the Office for People with Disabilities have been evaluating the benefits and savings to the County of changing the service formats of the car-for-hire services rather than issuing a new request for proposals at this time for similar services to those provided for under the Agreement. Until the County has determined whether such change would be the best course of action for the near future, the County is seeking to extend the Act Now Agreement for seven months from June 1, 2019 through December 31, 2019 and to increase the not-to-exceed amount of the agreement by \$200,000.00 to cover the services provided during this extension period. The County will issue a new request for proposals once it has performed its due diligence in consideration of alternative and potentially more beneficial service formats.

The purpose of this extension is to ensure continuation of the program serving the City of White Plains and the surrounding areas within Westchester County during the period of time the County considers 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.

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.

HJG/EHL/jrc
Attachment

RESOLUTION

Upon a communication from the Commissioner of the 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 White Plains and vicinity to customers of the County's Para Transit service for a period of seven months from June 1, 2019 through December 31, 2019 and to increase the not-to-exceed amount of the agreement by \$200,000.00.

APPROVED BOARD OF ACQUISITION & CONTRACT - 05/02/2019 JUS MRAJ, SECRETARY