

69487

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 authorize the County to amend its agreement with Act Now Limousine Service Inc. for taxi services within the City of White Plains and vicinity under the County's Para Transit Program to extend an agreement with Act Now Limousine Service Inc. for taxi services within the City of White Plains and vicinity under the County's Para Transit Program in order to extend the term from June 1, 2019 through December 31, 2019 and to increase the not-to exceed amount by \$200,000.00. (Agreement No. DOTOP10-16)**

Authority is hereby requested from your Honorable Board to authorize the County to amend its agreement with Act Now Limousine Service Inc. for taxi services within the City of White Plains and vicinity under the County's Para Transit Program to extend the agreement (the "Agreement") with Act Now Limousine Service Inc. for taxi services within the City of White Plains and vicinity under the County's Para Transit Program in order to extend the term from June 1, 2019 through December 31, 2019 and to increase the not-to exceed amount 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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Car for Hire Services within the City of White Plains and Vicinity
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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 First 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 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.

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As expenditures are made pursuant to this authorization, detailed records will be kept in the County's on-line financial system. These records will be easily accessible by Finance, Budget and department staff and will be reviewed regularly to ensure that funds are used appropriately.

Authority to exempt this Agreement from the requirements of the Westchester County Procurement Policy and Procedures pursuant to Section 3(a)xxi thereof has been granted by your Honorable Board in accordance with a separate resolution of even date herewith.

A proposed resolution is attached for your consideration.

HJG/EHL/jrc
Attachment

RESOLUTION

Upon a communication from the Commissioner of Public Works and Transportation and the Director of the Office for People with Disabilities, be it hereby:

RESOLVED, that the County of Westchester (“the County”) is hereby authorized to extend the Agreement with 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 that opt to utilize a taxi rather than the standard Para Transit service vehicles in an amount not to exceed \$200,000.00, for a seven-month period June 1, 2019 through December 31, 2019, on the same terms and conditions as the original Agreement; and be it further

RESOLVED, that this contract is subject to County appropriations; and be it further

RESOLVED, that this Agreement is also subject to further financial analysis of the impact of any New York State Budget (the “State Budget”) proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Contractor, then the Contractor shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further

RESOLVED, that the County Executive or his authorized designee is hereby authorized and empowered to execute any and all documents necessary or appropriate to effectuate the purposes hereof.

Original Contract:	\$ 250,000.00
First Amendment:	\$ 250,000.00
Second Amendment:	\$ 300,000.00
Third Amendment:	\$ 25,000.00
This Amendment:	<u>\$ 200,000.00</u>
Total:	\$1,025,000.00

Agreement No. DOTOP10-16

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	101	44	2100	4925		\$200,000.00

Budget Funding Year(s) 2019 Start Date June 1, 2019 End Date December 31, 2019
 (must match resolution)

Funding Source: Tax Dollars 100% County

State Aid _____

\$200,000.00 Federal Aid _____
 (must match resolution)

Other _____