

72200

**DATE:** October 22, 2019

**TO:** Board of Acquisition and Contract

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

**SUBJECT:** Authority to enter into an agreement with Cambridge Systematics, Inc. (“Cambridge”), pursuant to which Cambridge will provide the County with professional services in connection with amending the County’s existing bus system safety plans for its Bee-Line bus system, and turn them into Public Transportation Agency Safety Plans, for a term commencing upon execution and continuing through June 30, 2020 for an amount not-to-exceed \$99,962.00, and to authorize Cambridge to subcontract with Creighton Manning Engineers, LLP to provide various support services in connection with this project. (Agreement No. DOTGA19-02).

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Authority is requested for the County of Westchester (the “County”), acting by and through its Department of Public Works and Transportation (the “Department”) to enter into an agreement (the “Agreement”) with Cambridge Systematics, Inc., 38 East 32<sup>nd</sup> Street, 7th Floor, New York, New York 10016 (“Cambridge”), pursuant to which Cambridge will provide the County with professional services in connection with amending the County’s existing bus system safety plans for its Bee-Line bus system, and turning them into Public Transportation Agency Safety Plans (“PTASP”) in full compliance with the Safety Management Systems principals of the Federal Transit Administration (“FTA”) rule 49 C.F.R. Part 673 (the “Services”). The PTASP will cover bus system safety and will modify the County’s two existing bus system safety plans covering both Liberty Lines Transit Inc., the County’s primary operator with 320 buses, and P.T.L.A. Enterprise, Inc., which operates 5 buses.

By way of background, the FTA has requirements for PTASPs as authorized by Section 20021 of the Moving Ahead for Progress in the 21st Century Act (MAP-21) and the Fixing America’s Surface Transportation Act (FAST Act). This rule requires operators of public transportation systems that receive federal financial assistance under 49 U.S.C. Chapter 53 to develop and implement PTASP’s based on a Safety Management System approach in order to be eligible for federal funding. The development and implementation of PTASPs for each of its operators will help ensure the safety of the County’s Bee-Line Bus System as well as the systems continued compliance with federal funding requirements.

The proposed Agreement will be for a term commencing upon execution and continuing through June 30, 2020. In consideration for Services to be rendered, the County will pay Cambridge an amount not-to-exceed \$99,962.00 in accordance with an approved budget.

Authority is also requested for Cambridge to subcontract a portion of the Services to Creighton Manning Engineers, LLP, 145 Main Street, 3<sup>rd</sup> Floor, Ossining, New York 10562.

The County has complied with the Westchester County Procurement Policy. On August 20, 2019, the County, acting by and through the Department, issued a request for proposals that solicited proposals from vendors to provide the Services (the "RFP"). The RFP was advertised in the New York State Contract Reporter, in the Journal News and on the County RFP website. In addition, a copy of the RFP was sent to one vendor. Despite these efforts, the Department received only one (1) proposal in response to the RFP, which was from Cambridge. The Department had several individuals review the proposal and evaluate it based upon the evaluation criteria specified in the RFP. The Department also conducted an analysis of the budget for the proposed Agreement and found it to be reasonable. Based on the Department's review of the proposal from Cambridge, the Department is satisfied that it is a responsible vendor for these services.

Therefore, the County has determined, after the solicitation of a number of sources via the RFP and the related advertisements, and based upon all of the foregoing, that competition for the Services is inadequate. Accordingly, pursuant to 2 C.F.R. 200.320(f)(4) and Section 13 of the Procurement Policy, the County can proceed with the proposed Agreement despite receiving only one (1) proposal in response to the RFP.

The proposed Agreement will serve a public purpose by providing the County with the Services, which will help to promote bus system safety in accordance with Federal regulations.

The goal and objective of the proposed Agreement is to provide the County with the Services, which will help ensure the safety of the traveling public on the Bee-Line System.

The goal and objective of the proposed Agreement is in the best interests of the County in terms of health and safety, as ensuring that County buses comply with Federal bus safety mandates is of prime importance.

The goal and objective of the proposed Agreement will be tracked and monitored by the staff of the Department.

I respectfully recommend the adoption of the attached Resolution.

# RESOLUTION

Upon a communication from the Commissioner of Public Works and Transportation, be it hereby

**RESOLVED**, that the County of Westchester (the "County") is hereby authorized to enter into an agreement (the "Agreement") with Cambridge Systematics, Inc., 38 East 32<sup>nd</sup> Street, 7th Floor, New York, New York 10016 ("Cambridge"), pursuant to which Cambridge will provide the County with professional services in connection with amending the County's existing bus system safety plans for its Bee-Line bus system, and turn them into Public Transportation Agency Safety Plans ("PTASP") in full compliance with the Safety Management Systems principals of the Federal Transit Administration ("FTA") rule 49 C.F.R. Part 673 (the "Services"); and be it further

**RESOLVED**, that the Agreement will be for a term that will commence upon execution of the Agreement and continue through June 30, 2020; and be it further

**RESOLVED**, that in consideration for Services to be rendered, the County will pay Cambridge an amount not-to-exceed \$99,962.00, in accordance with an approved budget; and be it further

**RESOLVED**, that Cambridge is hereby authorized to subcontract a portion of the Services under the Agreement to Creighton Manning Engineers, LLP, 145 Main Street, 3<sup>rd</sup> Floor, Ossining, New York 10562; and be it further

**RESOLVED**, that this Agreement 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 duly authorized designee is hereby authorized to execute any documents and take any actions reasonably necessary and appropriate to effectuate the purposes of this Resolution.

Agreement No. DOTGA19-02

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	263	44	297U	4380	T-297	\$99,962.00

Budget Funding Year(s): 2019 Start Date: Upon Execution End Date: June 30, 2020  
(must match resolution)

Funding Source: Tax Dollars \$ 9,996.00  
State Aid \$ 9,996.00  
\$99,962.00 Federal Aid \$79,970.00  
(must match resolution) Other \_\_\_\_\_