

73283

DATE: December 11, 2019

TO: Board of Acquisition and Contract

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

RE: Authority to enter into an agreement with PTLA Enterprise, Inc., pursuant to which it would provide professional management, operation, and maintenance of a portion of the County's Bee-Line System, for a term from January 1, 2020 through December 31, 2023. (Agreement No. DOTOP02-20)

Authority is requested for the County of Westchester (the "County"), acting by and through its Department of Public Works and Transportation ("DPW&T"), to enter into an agreement (the "Agreement") with PTLA Enterprise, Inc. ("PTLA"), pursuant to which PTLA will provide professional management, operation, and maintenance of a portion of the County's Bee-Line System (the "Services"), for a term from January 1, 2020 through December 31, 2023.

Under the proposed Agreement, PTLA is anticipated to be paid a total amount of \$13,608,609 over the full term of the Agreement, consisting of an anticipated total amount of \$12,888,609 for all (non-fuel) operations-related costs, including, without limitation, rent, maintenance, utilities, insurance, and labor, ("Operations-Related Costs") and an anticipated total amount of \$720,000 for fuel costs ("Fuel Costs"). Under the proposed Agreement, both the Operations-Related Costs and the Fuel Costs shall be subject to adjustment, both upward and downward, based on certain changes in costs and usage, in the same manner as such adjustments are made under the agreement between the County and PTLA for the Services for the period from January 1, 2019 through December 31, 2019 (the "Expiring Agreement").

Under the proposed Agreement, PTLA would, each month, be paid one-twelfth (1/12) of the annual amount of the Operations-Related Cost and be reimbursed for its actual costs for fuel.

Additionally, authority is requested for the County to enter into an equipment lease with PTLA for the use of County-owned buses, transit communication equipment, revenue collection, counting and reporting equipment; maintenance and supervisory vehicles; and related equipment to be used in the performance of the Services during the term of the proposed Agreement, for the nominal consideration of \$1.00, for a term co-terminus with that of the proposed Agreement, just as is the case for the Expiring Agreement. The equipment to be leased to PTLA includes, but is not necessarily limited to, the following:

- approximately five (5) buses, and related spare parts;
- transit communication equipment including radios and various base stations, remote generators, consoles, computer hardware and related spare parts;
- fare processing equipment including equipment including fare boxes and vaults, as well as receivers, coin counting, and computer hardware;
- approximately two maintenance and supervisory vehicles including sedans, trucks, plows, and sanders.

The proposed Agreement will serve a public purpose by enabling the County to receive the Services, for an additional four years, on reasonable cost terms.

The goal and objective of the proposed Agreement is to enable the County to receive the Services, for an additional four years, on reasonable cost terms.

The goal and objective of the proposed Agreement is in the best interests of the County in terms of fiscal responsibility, as it will enable the County to receive the Services, for an additional four years, on reasonable cost terms.

The goal and objective of the proposed Agreement will be tracked and monitored by the staff of DPW&T.

Authority to exempt the proposed Agreement and proposed Equipment Lease from the requirements of the Westchester County Procurement Policy, pursuant to Section 3(a)(xxi) thereof, has been submitted to your Honorable Board by a separate resolution of even date herewith.

I respectfully recommend the adoption of the attached resolution.

HJG/PC/bdm/nn

RESOLUTION

Agreement No. DOTOP02-20

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

RESOLVED, that the County of Westchester (the “County”), acting by and through its Department of Public Works and Transportation, is hereby authorized to enter into an agreement (the “Agreement”) with PTLA Enterprise, Inc. (“PTLA”), pursuant to which PTLA will provide professional management, operation, and maintenance of a portion of the County’s Bee-Line System (the “Services”), for a term from January 1, 2020 through December 31, 2023; and be it further

RESOLVED, that, under the Agreement, PTLA is anticipated to be paid a total amount of \$13,608,609 over the full term of the Agreement, consisting of an anticipated total amount of \$12,888,609 for all (non-fuel) operations-related costs, including, without limitation, rent, maintenance, utilities, insurance, and labor, (“Operations-Related Costs”) and an anticipated total amount of \$720,000 for fuel costs (“Fuel Costs”); and be it further

RESOLVED, that, under the Agreement, both the Operations-Related Costs and the Fuel Costs shall be subject to adjustment, both upward and downward, based on certain changes in costs and usage, in the same manner as such adjustments are made under the agreement between the County and PTLA for the Services for the period from January 1, 2019 through December 31, 2019 (the “Expiring Agreement”); and be it further

RESOLVED, that, under the Agreement, PTLA shall, each month, be paid one-twelfth (1/12) of the annual amount of the Operations-Related Cost and be reimbursed for its actual costs for fuel; and be it further

RESOLVED, that the County is also hereby authorized to enter into an equipment lease (the “Equipment Lease”) with PTLA for the use of County-owned buses, transit communication equipment, revenue collection, counting and reporting equipment; maintenance and supervisory vehicles; and related equipment to be used in the performance of the Services during the term of the Agreement, for the nominal consideration of \$1.00, for a term co-terminus with that of the Agreement, just as is the case for the Expiring Agreement; and be it further

RESOLVED, that, under the Equipment Lease, the equipment to be leased to PTLA includes, but is not necessarily limited to, the following:

- approximately five (5) buses, and related spare parts;
- transit communication equipment including radios and various base stations, remote generators, consoles, computer hardware and related spare parts;
- fare processing equipment including equipment including fare boxes and vaults, as well as receivers, coin counting, and computer hardware;
- approximately two maintenance and supervisory vehicles including sedans, trucks, plows, and sanders.

; and be it further

RESOLUTION

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. DOTOP02-20

Account to be Charged/Credited			Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	Fund	Dept.				
	101	44	2100	4924		\$3,160,239.00 (2020)
	101	44	2100	4924		\$3,299,728.00 (2021)
	101	44	2100	4924		\$3,476,136.00 (2022)
	101	44	2100	4924		\$3,672,506.00 (2023)

Budget Funding Year(s) 2020-2023 Start Date 01/01/20 End Date 12/31/23
 (must match resolution)

Funding Source: Tax Dollars 100% County

State Aid _____

\$13,608,609.00 Federal Aid _____

(must match resolution)

Other _____