

73414

DATE: December 18, 2019

TO: Board of Acquisition and Contract

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

Evan Latainer
Director, Office for People with Disabilities

SUBJECT: Authority for the County to enter into a Third Amendment to its agreement (Agreement No. DOTOP03-15) with White Plains Bus Co., Inc., doing business as Suburban Paratransit Service, Inc. to provide the County with paratransit services in Westchester County for the period from January 1, 2015 through December 31, 2019, for a total aggregate amount not-to-exceed \$60,228,310.00, by (1) further extending the term of the Agreement from January 1, 2020 to June 30, 2020; and (2) increasing the not-to-exceed amount thereunder by an additional \$6,100,000.00, to pay for services to be rendered during the extension period.

By a resolution approved on December 18, 2014, your Honorable Board authorized the County of Westchester (the "County"), acting by and through its Department of Public Works and Transportation (the "Department") to enter into an agreement with Suburban Paratransit Service, Inc. ("Suburban"), pursuant to which Suburban was to provide the County with paratransit services in Westchester County, for the period from January 1, 2015 through December 31, 2017, for a total amount not-to-exceed \$30,878,310.00, with the County having the option to extend the agreement for a two (2) year term thereafter (the "Original Agreement"). The Original Agreement, Contract No. DOTOP03-15, was subsequently executed.

By a resolution approved on September 22, 2016, your Honorable Board authorized the County to amend the Original Agreement by removing Suburban's obligation to provide and install mobile data terminals in all paratransit vehicles (the "First Amendment"). The First Amendment was subsequently executed.

By a resolution approved on October 27, 2016, your Honorable Board authorized the County to enter into an agreement (the "Assignment Agreement") with Suburban and White Plains Bus Co., Inc. ("White Plains Bus"), pursuant to which:

- 1.) Suburban would assign to White Plains Bus, effective January 1, 2017, all of Suburban's right, privilege, interest, obligation and duty of performance in, to, and under Suburban's agreement with the County, as amended, (the "Agreement"), pursuant to which Suburban was to provide the County with paratransit services in Westchester County, for the period from January 1, 2015 through December 31, 2017, for a total amount not-to-exceed \$30,878,310.00, with the County having the option to extend the agreement for a two (2) year term thereafter; and
- 2.) White Plains Bus would accept the assignment from Suburban and, accordingly, agree to perform under the Assignment Agreement through the remainder of its term as if it were an original party thereto, all terms and conditions of the Original Agreement as amended by the First Amendment remaining in full force and effect, and to perform using an assumed name of "Suburban Paratransit Service".

The Assignment Agreement was subsequently executed.

By a resolution approved on November 22, 2017, your Honorable Board authorized the County to (1) amend the Original Agreement with White Plains Bus, in order to increase the not-to-exceed amount by \$3,750,000.00 for a total new not-to exceed amount of \$34,628,310.00 for the term of the Original Agreement; and (2) exercise its option to extend the agreement for a period of two (2) years from January 1, 2018 through December 31, 2019 (the "Extension Period") for an amount not-to-exceed \$25,600,000.00 (the "Second Amendment"). The Second Amendment was subsequently executed.

In accordance with Section 6 of the County's Procurement Policy and Procedures, the County conducted a request for proposal ("RFP") process for these services. The RFP was posted on the County's website and the County's Taxi and Limousine Commission distributed the RFP to licensed firms. A selection committee comprised of the Office of the County Executive, Department of Public Safety Taxi and Limousine Commission, the Department of Budget, Department of Public Works & Transportation, Department of Information Technology and the Office for People with Disabilities evaluated proposals, but determined that they should be rejected and another RFP process conducted in 2020. For that reason, it is necessary to further extend the Agreement.

Accordingly, authority is now respectfully requested for the County to enter into a Third Amendment to the agreement with White Plains Bus, doing business as Suburban Paratransit Service, in order to: (1) further extend the term thereof from January 1, 2020 to June 30, 2020 (the "Second Extension Period"); and (2) increase the not-to-exceed amount thereunder by an additional \$6,100,000.00, to pay for services to be rendered during the Second Extension Period.

All other provisions of Contract No. DOTOP03-15, as amended, shall remain in full force and effect throughout the Second Extension Period.

The proposed Third Amendment will serve a public purpose by ensuring that the County continues to receive the paratransit services from a qualified vendor with adequate staffing and do so under the terms of the Agreement that was procured in 2014, with the additional benefit of a fixed price per trip, while a new RFP is being issued.

The goal and objective of the proposed Third Amendment is in the best interests of the County in terms of health, as it will ensure that the County continues to receive from a qualified, adequately-staffed vendor the paratransit services needed for riders who are unable to ride regular Bee-Line bus service. The goal and objective of the proposed Third Amendment is also in the best interests of the County in terms of fiscal responsibility, as it will ensure that the County continues to receive the paratransit services at the costs that were agreed-upon as part of the Agreement that was procured in 2014, with the additional benefit of a fixed price per trip.

The goal and objective of the proposed Third Amendment will be tracked and monitored by the staff of the Department of Public Works and Transportation and the Office for People with Disabilities.

We respectfully recommend the adoption of the attached resolution.

HJG/EL/dlv

RESOLUTION

Upon a communication from the Commissioner of the Department 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 enter into a Third Amendment to the agreement with White Plains Bus Co., Inc., doing business as Suburban Paratransit Service, Inc. ("White Plains Bus") to provide the County with paratransit services in Westchester County from January 1, 2015 through December 31, 2019 for a total aggregate amount not-to-exceed \$60,228,310.00 ("Contract No. DOTOP03-15") by (1) further extending the term thereof for the period from January 1, 2020 to June 30, 2020 (the "Second Extension Period"); and (2) increasing the not-to-exceed amount thereunder by an additional \$6,100,000.00, to pay for services to be rendered during the Second Extension Period; and be it further

RESOLVED, that all other provisions of Contract No. DOTOP03-15, as amended, shall remain in full force and effect throughout the Second Extension Period; and be it further

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

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized to take such action and execute such documents as may be necessary and proper to effect the purposes hereof.

Original Agreement:	\$30,878,310.00	(Paratransit Services from 1/1/15 to 12/31/17)
First Amendment:	\$ 0.00	(Remove Suburban's Obligation to Provide/Install Mobile Data Terminals)
Assignment Agreement:	\$ 0.00	(Assignment from Suburban Paratransit, Inc. to White Plains Bus Co., Inc.)
Second Amendment/Extension	\$29,350,000.00	(Increase Original Agreement Amount/Two Year Extension from 1/1/18 to 12/31/19)
This Third Amendment:	<u>\$ 6,100,000.00</u>	(Increase Amount/Second Extension Period from 1/1/20 to 6/30/20)
New Total:	<u>\$66,328,310.00</u>	

Agreement No. DOTOP03-15, Third Amendment

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	101	44	2100	4925		\$ 6,100,000.00

Budget Funding Year(s): 2020 Start Date: 01/01/2020 End Date: 06/30/2020
(must match resolution)

Funding Source: Tax Dollars \$6,100,000.00
 State Aid _____
\$6,100,000.00 Federal Aid _____
 (must match resolution) Other _____