

77567

DATE: June 23, 2020

TO: Honorable Board of Acquisition and Contract

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

RE: Authority to enter into a contract with White Plains Bus Company Inc. d/b/a Suburban Paratransit Service, Inc. for the provision of paratransit services for the period from July 1, 2020 through December 31, 2021, in an amount not to exceed \$19,300,000.  
(Contract No. DOTOP09-20)

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The Americans with Disabilities Act mandates that the County of Westchester (the "County") provide paratransit services for people whose disabilities prevent them from using fixed route buses. The County meets this obligation through its paratransit program. The County's current contract for these services will expire on June 30, 2020.

Accordingly, authority of your Honorable Board is requested to enter into a contract with White Plains Bus Company Inc. d/b/a Suburban Paratransit Service, Inc. ("WPBC") for the provision of paratransit services for the period from July 1, 2020 through December 31, 2021, in an amount not to exceed \$19,300,000.00. Payment will be as follows:

7/1/2020 – 12/31/2020:

Fixed amount of \$486,472.00 per month

Plus \$43.74 per trip

1/1/2021 – 12/31/2021:

Fixed amount of \$386,472.00 per month

Plus \$36.00 per trip

Shuttle service for the entire term: \$85.29/hour

Supplemental services for the entire term: \$77.83/hour

Plus reasonable and necessary expenses, with prior written County approval, related to COVID-19 protocols.

Ordinarily under Section 6 of the County Procurement Policy, the County is required to issue a Request for Proposals (“RFP”) to solicit such services, and the County did commence an RFP process earlier this year. However, the COVID-19 pandemic caused a drastic reduction in the number of people using the paratransit system and made getting proposals more difficult as potential contractors were affected. Therefore, the County cancelled its RFP process and negotiated with the incumbent contractor to continue providing these services. Pursuant to Section 3 (a) (xxi) of the Westchester County Procurement Policy and Procedures, your Honorable Board approved a resolution determining 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.

WPBC has successfully provided paratransit services to the County under the current contract and in the past.

This contract also includes an equipment lease. The lease will provide the contractor with use of County-owned vehicles, computer hardware and software to complete the services. The County equipment will be leased to the WPBC for an annual fee of \$1.00 for its exclusive use in the paratransit program.

This contract serves a public purpose as it provides for the safety and welfare of County residents using paratransit services within the County. WPBC’s performance will be monitored by the Department of Public Works and Transportation to ensure compliance with the contract terms. In view of the continuing importance of the paratransit program to the County’s residents, I urge approval of the attached resolution.

HJG/DLV/dv  
Attachment

# RESOLUTION

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

**RESOLVED**, that the County is authorized to enter into a contract with White Plains Bus Company Inc. d/b/a Suburban Paratransit Service, Inc. ("WPBC") for the provision of paratransit services for the period from July 1, 2020 through December 31, 2021, in an amount not to exceed \$19,300,000.00. Payment shall be as follows:

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; and be it further

**RESOLVED**, that the County is authorized under the contract with WPBC to lease County-owned equipment to WPBC for a fee of \$1.00, which equipment shall be used exclusively for the paratransit program; 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 releases(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 re-negotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount, 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 appointed designee is authorized to execute all documents associated with this agreement.

Contract No. DOTOP09-20

Account to be Charged/Credited	Major Program, Program & Phase Or Unit					
	Fund	Dept.	Object/ Sub Object	Trust Account	Dollars	
	101	44	2100	4925		\$ 6,600,000.00 (2020)
	101	44	2100	4925		\$12,700,000.00 (2021)

Budget Funding Year(s): 2020-2021 Start Date: 07/01/2020 End Date: 12/31/2021  
(must match resolution)

Funding Source: Tax Dollars \$19,300,000.00

State Aid \_\_\_\_\_

\$19,300,000.00 Federal Aid \_\_\_\_\_  
(must match resolution)

Other \_\_\_\_\_