

79489

TO: Board of Acquisition and Contract

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

DATE: September 22, 2020

RE: Authority to amend an agreement with STV Incorporated, pursuant to which it was to provide consulting services related to the procurement of certain hybrid buses, in order to increase its not-to-exceed amount by \$70,000.00.  
(Agreement No. DOTCAP01-19)

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By a resolution approved on July 18, 2019 (the "Resolution"), your Honorable Board authorized the County of Westchester (the "County") to enter into an agreement (the "Agreement"; No. DOTCAP 01-19) with STV Incorporated ("STV"), pursuant to which STV was to provide the County with consulting services (the "Services") concerning the County's procurement of up to one hundred and eight (108) 40-foot, heavy-duty, low-floor, hybrid electric buses (the "Bus Procurement").

Under the Agreement, the total cost to the County for the Services was to vary based upon the manufacturer with which the County contracts for the Bus Procurement and the facility at which the manufacturer produces the buses, such that the total not-to-exceed amount to be paid to STV for the Services would vary as specified below, for the following manufacturers (and facilities):

<u>Manufacturer (and Facility)</u>	<u>Not-To-Exceed Amount</u>
1.) New Flyer (Anniston)	\$366,068.52
2.) New Flyer (St. Cloud)	\$366,068.52
3.) New Flyer (Winnipeg/Crookston)	\$447,276.52
4.) Gillig	\$364,945.87
5.) NovaBus	\$405,956.84

As specified in the Resolution, the Agreement was to be for a term commencing upon execution and continuing until the end of the Bus Procurement. The Agreement was executed and commenced on October 2, 2019. It is still in effect, as the Bus Procurement is still on-going.

The Agreement was to be payable pursuant to an approved budget, including budgeted costs for work from the portion of the Services concerning the bid process, such as the 'approved equals' procedure. During the bid process, the County received many more Requests for Approvals ("RFAs") from bus manufacturers during the 'approved equals' procedure than had been anticipated.

The County understands that the industry average number of RFAs received during a bidding process is approximately 150 from each of the three (3) expected manufacturer-bidders. This is in line with the County's recent experience in its procurement of 60-foot articulated buses, during which the County received a total of 440 RFAs. Accordingly, in the Agreement, the County ensured the inclusion of funds that were anticipated to be sufficient for the handling of 450 RFAs. However, the number of RFAs the County received as part of the bid process for these 40-foot buses was actually 1,195. This extremely high number of RFAs has required more time and assistance from STV in order for the County to process and provide responses to prospective bidders.

Accordingly, the County respectfully requests that your Honorable Board authorize the County to amend the Agreement by increasing its not-to-exceed amount by \$70,000.00, in order to increase the amount budgeted for, and pay for, these additional Services concerning the bid process portion of the Bus Procurement (the "Amendment").

Except as described above, all terms and conditions of the Agreement shall remain in full force and effect.

The proposed Amendment will serve a public purpose by ensuring that the County can receive and pay for all of the Services that it needs, which will help ensure that the Bus Procurement is conducted in such a way as to provide the County with exactly what it needs in terms of the new 40-foot buses.

The goal and objective of the proposed Amendment is to ensure that the County can receive and pay for all of the Services that it needs, which will help ensure that the Bus Procurement is conducted in such a way as to provide the County with exactly what it needs in terms of the new 40-foot buses.

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 the County can receive and pay for all of the Services that it needs, and therefore obtain exactly what it needs in terms of the new 40-foot buses, will ultimately help ensure the health and safety of the riding public.

The goal and objective of the proposed Amendment will be tracked and monitored by the staff of the Department of Public Works and Transportation.

I respectfully recommend approval of the attached resolution.

# RESOLUTION

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

**RESOLVED**, that the County of Westchester (the "County") is authorized to amend its agreement with STV Incorporated ("STV"), pursuant to which STV was to provide the County with consulting services (the "Services") concerning the County's procurement of up to one hundred and eight (108) 40-foot, heavy-duty, low-floor, hybrid electric buses (the "Bus Procurement"), for a total amount not-to-exceed \$447,276.52, dependent upon the manufacturer with which the County contracts for the Bus Procurement and the facility at which the manufacturer produces the buses, (the "Agreement") by increasing its not-to-exceed amount by \$70,000.00, in order to increase the amount budgeted for, and pay for, additional Services concerning the bid process portion of the Bus Procurement; and be it further

**RESOLVED**, that except as hereby authorized to be amended, all terms and conditions of the Agreement shall remain in full force and effect; 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.

Original Authorization:	\$447,276.52
This Amendment	<u>\$ 70,000.00</u>
TOTAL	<u>\$517,276.52</u>

Agreement No. DOTCAP01-19, First Amendment

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Bond Act No.	Dollars
	365	44	T001X02S	6124	BA #69-2020	\$22,000.00
	365	44	T001X03S	6124	BA #70-2020	\$48,000.00

Budget Funding Year(s): 2020                      Start Date: 10/02/2019                      End Date: Completion of the Bus Procurement  
(must match resolution)

Funding Source: Tax Dollars 100% County  
                                  State Aid \_\_\_\_\_  
\$70,000.00 Federal Aid \_\_\_\_\_  
(must match resolution) Other \_\_\_\_\_