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DATE: August 23, 2021

TO: Board of Acquisition and Contract

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

SUBJECT: Authority to exempt from the Westchester County Procurement Policy, pursuant to Section 3(a)(xxi) thereof, the procurement of an agreement with STV Incorporated, pursuant to which it will provide the County with consulting services concerning the procurement of up to ten (10) 35-foot, heavy-duty, low-floor, hybrid electric buses. (Agreement No. DOTCAP03-21)

Authority is hereby requested from your Honorable Board to exempt from the Westchester County Procurement Policy, pursuant to Section 3(a)(xxi) thereof, the procurement by the County of Westchester (the "County") of an agreement with STV Incorporated ("STV"), pursuant to which STV will provide the County with consulting services (the "Services") concerning the County's procurement of up to ten (10) 35-foot, heavy-duty, low-floor, hybrid electric buses (the "Agreement").

The Services are largely similar to such consulting services that the County has procured in the past for services concerning procurement of buses. Such consulting services were procured through requests for proposals in both 2014 and 2019. In 2014, the County received two (2) proposals, and in 2019, the County received one (1) proposal. This occurred despite the County having advertised the requests for proposals in, among other places, "Passenger Transport", which is published by the American Public Transportation Association and serves as an industry trade journal that is read by consultants, manufacturers, and the like that work in the bus industry. The County believes that it was reasonably assured that all prospective proposers that were capable of providing such consulting services, and potentially interested in doing so, would have reviewed the County's advertisements in Passenger Transport for those previous procurements.

The County was and is aware that there has been consolidation in the industry over the past several years, such that, no matter what advertising it might undertake, it might only expect a maximum of two (2) proposals in response to a request for proposals for such consulting services: one from STV and one from Ameritrans Service Corporation, which does business as Transit Resource Center ("TRC").

Both STV and TRC submitted a proposal in response to the 2014 request for proposals. However, in response to the 2019 request for proposals, only STV submitted a proposal. In order to obtain more information about the situation in 2019, the County, during that process, contacted TRC. TRC advised that it made a business decision about not submitting a proposal.

Given the County's experience with the request for proposals in 2014 and, especially, the request for proposals in 2019, and given the fact that the not-to-exceed amount of the proposed Agreement is only approximately thirteen percent (13%) of the originally-anticipated maximum value of the agreement that was procured through the request for proposals in 2019, the County is highly uncertain about whether a request for proposals for the Services would even attract a second proposal in addition to one from STV.

Notably, STV may, to some extent, be interested in providing the Services, despite the relatively low value of the Agreement, due to the simple fact that it is already providing similar services under two other contracts with the County and it can provide the Services in a way that is cost-effective for the company. Of course, in contracting with STV, the County would also benefit from any such cost efficiencies. In addition, by contracting with STV, the County would obtain the substantial benefit of using a contractor that already has nearly all of the considerable amount of knowledge about the County, its needs, and operations that the contractor would require in order to perform the Services.

The purchase of these 35-foot, heavy-duty, low-floor, hybrid electric buses to replace buses in the County's existing fleet is an important priority for the County. The County recently received \$7 million in funds from New York State for the procurement of such buses. The Department of Public Works and Transportation therefore recommends that the County now expeditiously engage STV to provide the Services so that the procurement of these 35-foot, heavy-duty, low-floor, hybrid electric buses can move forward as soon as possible.

Therefore, it is proposed that the best interests of the County would be served by exempting the procurement of the proposed Agreement from the Westchester County Procurement Policy and Procedures, pursuant to Section 3(a)(xxi) thereof. Accordingly, a resolution to exempt this procurement is hereby submitted for your consideration.

RESOLUTION

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

RESOLVED, that pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy, it is hereby determined 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 of Westchester in connection with the procurement of an agreement with STV Incorporated (“STV”), pursuant to which STV will provide the County with consulting services concerning the County’s procurement of up to ten (10) 35-foot, heavy-duty, low-floor, hybrid electric buses.

APPROVED BOARD OF ACQUISITION & CONTRACT - 09/02/2021 - RAYMOND SCULKY, SECRETARY