

94357

TO: Board of Acquisition and Contract

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

Evan Latainer
Director, Office for People with Disabilities

DATE: June 23, 2022

RE: Authority to amend an agreement with ACT Now Limousine Services, Inc., for the provision of paratransit car services, for a term from January 1, 2020 through December 31, 2024, for an amount not to exceed \$15,183,310.00, with the County having the option to renew the term of the agreement for an additional five year term, in order to temporarily increase the per trip rate by \$5.00, for the period retroactive to June 1, 2022 through September 5, 2022, which period may be extended or for any other periods during the term of the agreement, at the County's sole discretion, to offer free fares to riders struggling with rising inflation, reimburse the contractor in the amount of \$5.00 for trip tickets collected and authorize the contractor to keep the cash fares collected from eligible riders or their companions (Agreement # DOTOP04-20)

On December 19, 2019, your Honorable Board approved a Resolution authorizing the County of Westchester (the "County") acting by and through its Department of Public Works and Transportation (the "Department") to enter into an agreement (the "Agreement") with ACT Now Limousine Services, Inc. ("ACT Now") to provide paratransit car services for a term from January 1, 2020 through December 31, 2024, for an amount not to exceed \$14,625,000.00 payable pursuant to specified trip rates and subject to budget appropriations. The County will have an option to renew the term of the Agreement for an additional five year term. The parties subsequently entered into the Agreement.

Pursuant to the Agreement, payment in each of the first five years will be according to the following per trip rates:

2020	\$26.75 per trip;
2021	\$26.75 per trip;
2022	\$26.75 per trip;
2023	\$28.75 per trip;
2024	\$28.75 per trip.

On October 15, 2020, your Honorable Board approved a Resolution authorizing the County to amend the Agreement ("First Amendment") in order to cover ACT Now's expenditures for unanticipated personal protective equipment, weekly car sanitizing, and cleaning supplies due to the COVID-19 pandemic. This amendment provided for a surcharge of \$7.6389 per trip for the first 800 trips per month for the period from April 1, 2020 through December 30, 2020, in a total amount not to exceed \$55,010.00, for an amended aggregate amount not to exceed \$14,680,010.00. This amendment was

paid from Federal CARES Act funding. All remaining terms and conditions of the Agreement remained unchanged. The First Amendment was subsequently executed.

On September 16, 2021, your Honorable Board approved a Resolution authorizing the County to amend the Agreement (“Second Amendment”) in order to cover ACT Now’s expenditures for personal protective equipment, weekly car sanitizing, and cleaning supplies due to the COVID-19 pandemic. This amendment provided for a surcharge of \$1.48 per trip for the first 3,000 trips per month for the period from January 1, 2021 through December 31, 2021, in a total amount not to exceed \$53,300.00, for an amended aggregate amount not to exceed \$14,733,310.00. This amendment was paid from Federal stimulus funds from the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) and American Rescue Plan Act (ARPA). The Second Amendment was subsequently executed.

On May 19, 2022, your Honorable Board approved a Resolution authorizing the County to further amend the Agreement (“Third Amendment”) in order to increase the per-trip rate retroactive to January 1, 2022, for a total increase not to exceed \$450,000.00, for an amended aggregate amount not to exceed \$15,183,310.00, due to increases in operating expenses, such as fuel, labor, insurance, the cost of replacement vehicles, repairs, and COVID-related equipment, cleaning procedures and rider restrictions caused by inflation and shortages. The Third Amendment was subsequently executed.

Pursuant to the Third Amendment, the per-trip rates increased as follows:

2022 \$30.75 per trip;
2023 \$32.75 per trip;
2024 \$32.75 per trip.

The County now desires to offer free ride fares to paratransit car services riders residing in Westchester who are struggling with added financial burdens associated with rising inflation and to reimburse ACT Now for trip tickets collected. Accordingly, authority is now requested from your Honorable Board to further amend the Agreement in order to (i) temporarily increase the per trip rate by \$5.00, for the period retroactive to June 1, 2022 through September 5, 2022, which period may be extended, or for any other periods during the term of the Agreement, at the County’s sole discretion, which \$5.00 increase will be in addition to the then applicable per trip rates; (ii) reimburse ACT Now in the amount of \$5.00 for each trip ticket collected; and (iii) authorize ACT Now to keep all cash fares collected whether from eligible riders or their companions, in accordance with the terms of the Request for Proposals issued by the County on September 12, 2019.

Except as specifically amended hereby, all other terms and conditions of the Agreement shall remain unchanged and in full force and effect.

The goal and objective of the proposed amendment is to provide free ride fares to paratransit car services riders residing in Westchester who are struggling with added financial burdens associated with rising inflation, during the summer period.

We recommend adoption of the attached proposed Resolution.

HJG/EL/cmc
Attachment

RESOLUTION

Upon a communication from the Commissioner 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"), acting by and through its Department of Public Works and Transportation (the "Department"), is hereby authorized to further amend an agreement - DOTOP04-20 (the "Agreement") with ACT Now Limousine Services, Inc. ("ACT Now"), for the provision of paratransit car services, for a term from January 1, 2020 through December 31, 2024, for a total aggregate amount not to exceed \$15,183,310.00, with the County having the option to renew the term of the Agreement for an additional five year term, in order to (i) temporarily increase the per-trip rate by \$5.00, for the period retroactive to June 1, 2022 through September 5, 2022, which period may be extended, or for any other periods during the term of the Agreement, at the County's sole discretion, which \$5.00 increase shall be in addition to the then applicable per trip rates; ii) reimburse ACT Now in the amount of \$5.00 for each trip collected; and (iii) authorize ACT Now to keep all cash fares collected from eligible riders or their companions; and be it further

RESOLVED, that all other terms and conditions of the Agreement shall remain unchanged; and be it further

RESOLVED, that the County Executive or his authorized designee is hereby authorized to execute all instruments and take all actions reasonably necessary to implement this Resolution.

Original Agreement	\$14,625,000.00
First Amendment	\$ 55,010.00
Second Amendment	\$ 53,300.00
Third Amendment	\$ 450,000.00
<i>This Amendment</i>	<i>\$ 0.00</i>
TOTAL	<i>\$15,183,310.00</i>

Contract No. DOTOP04-20

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
		N/A	N/A	N/A	N/A	

Budget Funding Year(s): 2020-2024 Start Date: 01/01/2020 End Date: 12/31/2024
 (must match resolution)

Funding Source: Tax Dollars _____

State Aid _____

\$ _____ Federal Aid _____
 (must match resolution)

Other _____
