

**109878**

TO: Honorable Board of Acquisition and Contract

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

Evan Latainer  
Director, Office for People with Disabilities

DATE: November 21, 2024

SUBJECT: Amending an agreement with ACT Now Limousine Services, Inc. to provide paratransit car services for a term from January 1, 2020 through December 31, 2024, with the County having an option to renew the term for five additional years, in order to exercise the renewal option from January 1, 2025 through December 31, 2029, and increase the not to exceed amount of the Agreement by an additional \$22,475,000 to a new amount not to exceed \$37,783,310.00 (Agreement No. DOTOP04-20, A6).

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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 payable pursuant to specified trip rates and subject to budget appropriations. The County has an option to renew the term for five additional years.

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 surcharge 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.

On June 30, 2022, your Honorable Board approved a Resolution authorizing the County to further amend the Agreement (“Fourth Amendment”) 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. The Fourth Amendment was subsequently executed.

On August 15, 2024, your Honorable Board approved a Resolution authorizing the County to further amend the Agreement (“Fifth Amendment”) in order to provide expanded paratransit car services in the communities of: Briarcliff Manor, Mount Kisco, New Castle, Ossining Town and Ossining Village at a rate of \$39 per trip effective from execution of until December 31, 2024, and increase the not to exceed amount by an additional \$125,000.00 to a new amount not to exceed \$15,308,310.00.

Authority is requested for the County to further amend the Agreement (“Sixth Amendment”) in order to exercise the renewal option from January 1, 2025 through December 31, 2029, and increase the not to exceed amount of the Agreement by an additional \$22,475,000 to a new amount not to exceed \$37,783,310.00, payable as follows:

	<u>Trip Rate</u>
2025	\$40.75
2026	\$40.75
2027	\$42.75
2028	\$42.75
2029	\$44.00

All remaining terms and conditions of the Agreement, as previously amended, will remain in effect.

The goal and objective of the Agreement is to ensure that the County receives from a qualified, adequately staffed vendor the paratransit services needed for ambulatory riders who are unable to ride regular Bee-Line bus service. The Agreement will be tracked and monitored by the staff of the Department and the Office for People with Disabilities.

I recommend adoption of the attached proposed Resolution in view of the importance of this assistance program to the operation of the County's transit system.

HJG/dlv

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/19/2024 - RAYMOND SCULKY, SECRETARY

## RESOLUTION

### Contract No. DOTOP04-20, Sixth Amendment

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

**RESOLVED**, that the County of Westchester is authorized to amend an agreement (DOTOP04-20) with ACT Now Limousine Services Inc. to provide paratransit car services for a term from January 1, 2020 through December 31, 2024, with the County having an option to renew the term for five additional years, in order to exercise the renewal option from January 1, 2025 through December 31, 2029, and increase the not to exceed amount of the agreement by an additional \$22,475,000 to a new amount not to exceed \$37,783,310.00 payable as follows:

#### Trip Rate

2025	\$40.75
2026	\$40.75
2027	\$42.75
2028	\$42.75
2029	\$44.00; and be it further

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

**RESOLVED**, that all other terms and conditions of the agreement, as previously amended, 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.

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/19/2024 - RAYMOND SCULLY, SECRETARY

Original Agreement \$14,625,000.00  
 First Amendment \$55,010.00  
 Second Amendment \$53,300.00  
 Third Amendment \$450,000.00  
 Fourth Amendment \$0.00  
 Fifth Amendment \$125,000.00  
 This Amendment \$22,475,000.00

TOTAL \$37,783,310.00

Agreement No. DOTOP04-20, A6

Account to be Charged/credited	Fund	Dept			Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	101	44			2100	4925		4,250,000.00
	101	44			2100	4925		4,250,000.00
	101	44			2100	4925		4,525,000.00
	101	44			2100	4925		4,525,000.00
	101	44			2100	4925		4,925,000.00

Budget Funding Year(s) 2025 - 2029 Start Date 1/1/2025 End Date 12/31/2029  
 (must match resolution)

Funding Source Tax Dollars \$22,475,000.00  
 State Aid \_\_\_\_\_  
\$22,475,000.00 Federal Aid \_\_\_\_\_  
 (must match resolution)  
 Other \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/19/2024 - RAYMOND J. GUNY, SECRETARY