

93363

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: May 16, 2022

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, for an amount not to exceed \$14,733,310 with the County having an option to renew the term for five additional years, in order to increase the per-trip rate, retroactive to January 1, 2022, due to substantial unanticipated increases in operating expenses, and increase the total not to exceed amount by an additional \$450,000 to a new amount not to exceed \$15,183,310.
(Agreement No. 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 payable pursuant to specified trip rates and subject to budget appropriations. The County will have an option to renew the term for five additional years. 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 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.

On September 16, 2021, your Honorable Board approved a Resolution authorizing the County to amend the Agreement 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). All remaining terms and conditions of the Agreement, as previously amended, remained unchanged.

Due to unanticipated increases in operating expenses caused by inflation and shortages, ACT Now has requested an increase in the per-trip rate retroactive to January 1, 2022. These increases relate to fuel, labor, insurance, the cost of replacement vehicles, repairs, and COVID-related equipment, cleaning procedures and rider restrictions. ACT Now and the County could not have anticipated the magnitude of these costs in 2019 when they entered into the Agreement.

Under this amendment, the per-trip rates will increase as follows:

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

The total not to exceed amount will increase by an additional \$450,000 to a new amount not to exceed \$15,183,310. All remaining terms and conditions of the Agreement 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.

We recommend adoption of the attached proposed Resolution.

HJG/EL/dly

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 amend 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 \$14,733,310 payable pursuant to an approved budget and subject to budget appropriations, with the County having an option to renew the term for five additional years, in order to increase the per-trip rate, retroactive to January 1, 2022, due to substantial unanticipated increases in ACT Now's operating expenses, and increase the total not to exceed amount by an additional \$450,000 to a new amount not to exceed \$15,183,310; and be it further

RESOLVED, that under this amendment, the annual per-trip rates shall increase as follows:

2022 \$30.75 per trip;
2023 \$32.75 per trip;
2024 \$32.75 per trip; and be it further

RESOLVED, that all remaining terms and conditions of the Agreement, as previously amended, shall remain unchanged; and be it further

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

Original Agreement	\$14,625,000.00
First Amendment	\$ 55,010.00
Second Amendment	\$ 53,300.00
This Amendment	\$ 450,000.00
TOTAL	\$15,183,310.00

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Bond Act No.	Dollars
	101	44	2100	4925		\$150,000 (2022)
	101	44	2100	4925		\$150,000 (2023)
	101	44	2100	4925		\$150,000 (2024)

Budget Funding Year(s): 2022-2024 Start Date: January 1, 2022 End Date: December 31, 2024
(must match resolution)

Funding Source:	Tax Dollars	<u>100% County</u>	Contractor Federal I.D. No./
	State Aid	<u></u>	Social Security No.: <u></u>
<u>\$450,000.00</u>	Federal Aid	<u></u>	Vendor No.: <u></u>
(must match resolution)	Other	<u></u>	Encumbrance No.: <u></u>