

THE LEGISLATURE OF ROCKLAND COUNTY



ILAN S. SCHOENBERGER
LEGISLATOR – DISTRICT 4

CHAIR, BUDGET & FINANCE COMMITTEE

**AGENDA
BUDGET & FINANCE COMMITTEE
MONDAY, JULY 9, 2012
7:00 P.M.**

ROLL CALL

ADOPTION OF MINUTES FROM JUNE 26, 2012

1. BONDS/PUBLIC WORKS MATTERS:

NONE

2. GRANTS/DONATIONS:

2A) REF. #5906

APPROVING ACCEPTANCE OF AN ANAEROBIC DIGESTER GAS ELECTRICITY PROGRAM GRANT FROM THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY (NYSERDA) IN THE AMOUNT OF \$690,560 (NCTD) TO BE USED TOWARDS THE REPLACEMENT OF THE COGENERATION UNITS AT THE WASTEWATER TREATMENT PLANT IN ORANGETOWN, NY AND AUTHORIZING THE EXECUTION OF ALL NECESSARY DOCUMENTS BY THE COUNTY EXECUTIVE [ROCKLAND COUNTY SEWER DISTRICT NO. 1] (\$690,560) (DIANNE PHILIPPS, DIRECTOR OF SEWER DISTRICTS NO. 1) DL #2012-01924

3. BUDGET ITEMS:

NONE

4. AUTHORIZATIONS:

4A) REF. #8183

APPROVING THE ACCEPTANCE OF CERTAIN CONVEYANCES OF REAL PROPERTY WHICH ARE BEING GRATUITOUSLY OFFERED TO THE COUNTY OF ROCKLAND BY VARIOUS GRANTORS AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE ANY DOCUMENTS TO EFFECTUATE THE ACCEPTANCE OF SUCH CONVEYANCES [DEPARTMENT OF HIGHWAYS] (**CHARLES VEZZETTI, SUPERINTENDENT OF HIGHWAY-DRAINAGE AGENCY**) DL #2012-02166

4B) REF. #5614

AUTHORIZING AND APPROVING THE SALE OF COUNTY OWNED REAL PROPERTY LOCATED AT 185 NORTH MAIN STREET, SPRING VALLEY, NEW YORK [DEPARTMENT OF BUDGET & FINANCE] (**STEPHEN DEGROAT, ACTING COMMISSIONER OF BUDGET & FINANCE**) DL #2012-02469

4C) REF. #9075

AUTHORIZING AND APPROVING THE SALE OF COUNTY OWNED REAL PROPERTY LOCATED AT 2 NEW HEMPSTEAD ROAD, NEW CITY, NEW YORK [DEPARTMENT OF BUDGET & FINANCE] (**STEPHEN DEGROAT, ACTING COMMISSIONER OF BUDGET & FINANCE**) DL #2012-02470

5. CONTRACTS/AGREEMENTS:

5A) REF. #5327

APPROVING AMENDMENT AND EXTENSION TO AGREEMENT IN EXCESS OF \$100,000 WITH EAGLE PROFESSIONAL SERVICES CORP. IN THE ADDITIONAL AMOUNT OF \$38,804 FOR A TOTAL CONTRACT SUM NOT TO EXCEED \$172,853 FOR CONSULTANT SERVICES AS DIRECTOR OF THE POLICE ACADEMY AT THE ROCKLAND COUNTY POLICE & PUBLIC SAFETY ACADEMY UNDER RFP-RC-2010-23 FOR THE PERIOD FROM JUNE 16, 2012 THROUGH NOVEMBER 16, 2012 AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE [SHERIFF'S DEPARTMENT] (\$172,853) (**LOUIS FALCO, III, SHERIFF**) DL #2012-02271

5B) REF. #5327

APPROVING AMENDMENT AND EXTENSION TO AGREEMENT IN EXCESS OF \$100,000 WITH PTD SYSTEMS, INC. IN THE ADDITIONAL AMOUNT OF \$32,458, FOR A TOTAL CONTRACT SUM NOT TO EXCEED \$144,584 FOR USE OF FORCE COORDINATOR SERVICES AT THE ROCKLAND COUNTY POLICE & PUBLIC SAFETY ACADEMY UNDER RFP-RC-2010-23 FOR THE PERIOD FROM JUNE 16, 2012 THROUGH NOVEMBER 16, 2012 AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE [SHERIFF'S DEPARTMENT] (\$144,584)
(LOUIS FALCO, III, SHERIFF) DL #2012-02274

5C) REF. #5327

APPROVING AMENDMENT AND EXTENSION TO AGREEMENT IN EXCESS OF \$100,000 WITH STEVEN HEUBECK IN THE ADDITIONAL AMOUNT OF \$32,111, FOR A TOTAL CONTRACT SUM NOT TO EXCEED \$143,041 FOR IN-SERVICE AND SPECIALIZED TRAINING COORDINATOR AT THE ROCKLAND COUNTY POLICE & PUBLIC SAFETY ACADEMY UNDER RFP-RC-2010-23 FOR THE PERIOD FROM JUNE 16, 2012 THROUGH NOVEMBER 16, 2012 AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE [SHERIFF'S DEPARTMENT] (\$143,041)
(LOUIS FALCO, III, SHERIFF) DL #2012-02278

6. ALLOCATION/RECLASSIFICATION OF POSITIONS: NONE

7. BIDS:

7A) REF. #2994

DETERMINING THAT THE VARIANCES IDENTIFIED IN THE BIDS OF BREGA TRANSPORT CORP., MV TRANSPORTATION AND ROCKLAND TRANSIT CORP. ARE MATERIAL AND REJECTING SAID BIDS AS NON-RESPONSIVE TO THE REQUIREMENTS OF RFB-RC-2012-002 FOR TRANSIT OPERATIONS AND MAINTENANCE [DEPARTMENT OF GENERAL SERVICES-DIVISION OF PURCHASING] **(GERALD WALSH, COMMISSIONER OF DGS-PURCHASING) DL #2012-02234**

8. TRANSFER OF FUNDS/OTHERS: NONE

9. TAX ITEMS: NONE

10. PUBLIC HEARINGS: NONE

11. LOCAL LAW/HOME RULE: NONE

12. PRESENTATIONS/DISCUSSION: NONE

13. MISCELLANEOUS: NONE

14. RECEIVE & FILE: NONE
15. CORRESPONDENCE – REVIEW AND DISCUSSION: NONE

"The Rockland County Legislature is committed to full compliance with the Americans with Disabilities Act. To that end, the Legislature is committed to creating an accessible environment for all. To request accommodations that you may require, please call Damaris Alvarez at 845-638-5248 (845-708-7899 for TTY/TDD). Please request these accommodations three (3) days in advance so that we can seek to meet your needs."

B&FAGENDA7/09/12
CJT

DRAFT

Introduced by:

Referral No.

RESOLUTION NO. OF 2012
APPROVING ACCEPTANCE OF AN
ANAEROBIC DIGESTER GAS
ELECTRICITY PROGRAM GRANT
FROM THE NEW YORK STATE ENERGY
RESEARCH AND DEVELOPMENT AUTHORITY
(NYSERDA)
IN THE AMOUNT OF \$690,560 (NCTD)
TO BE USED TOWARDS THE REPLACEMENT OF THE
COGENERATION UNITS AT THE WASTEWATER
TREATMENT PLANT IN ORANGEBURG, NY
AND AUTHORIZING THE EXECUTION OF ALL
NECESSARY DOCUMENTS BY THE COUNTY EXECUTIVE
[ROCKLAND COUNTY SEWER DISTRICT NO. 1]
(\$690,560)

WHEREAS, The Executive Director of the Rockland County Sewer District No. 1 ("Sewer District") has advised the County Executive and the Legislature that a grant from New York State Energy Research and Development Authority (NYSERDA) in the amount of \$690,560 has been awarded to the Sewer District; and

WHEREAS, The Board of Sewer Commissioners, by Sewer Resolution No. 92 of 2011, approved the acceptance of the grant funds and requested that the Legislature of Rockland County approve acceptance of this award; and

WHEREAS, These funds will be used towards the replacement of the cogeneration units at the Waste Water Treatment Plant in Orangeburg, NY; and

WHEREAS, The entire project cost is estimated to be \$3,160,000: and

WHEREAS, The Sewer District intends to include replacement of the cogeneration units under an energy performance contract (EPC); and

DRAFT

WHEREAS, Through EPC, capital projects can be completed with no up front costs, no increase in annual expenditures, and are paid back through future energy savings; and

WHEREAS, No County tax dollars (NCTD) are required to accept said funds; and

WHEREAS, It is necessary to appropriate these funds to the proper account; and

WHEREAS, The _____ Committees of the Legislature have met, considered and approved this resolution; now therefore be it

RESOLVED, That the Legislature of Rockland County hereby approves the acceptance of a grant from the New York State Energy Research and Development Authority in the amount of \$690,560 to the Sewer District and authorizes execution of all necessary documents by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That no County tax dollars (NCTD) are required to accept said funds; and be it further

RESOLVED, That the Acting Commissioner of Finance is hereby authorized to increase the following accounts in the amounts indicated:

SEWER FUND - 2012

Increase Approp. Acct. (Credit):

G-SWR-8130-E5060	Program Costs	690,560
------------------	---------------	---------

Increase Est. Rev. Acct. (Debit):

G-SWR-8130-R3980	Home & Community Services Grant(s)	690,560
------------------	------------------------------------	---------

VWJ:lo
2012-01924
6/14/12

DRAFT

EXHIBIT A

QA

TOTAL CONTRACTED PROJECT INCENTIVE

Contractor Name: Rockland Co. Wastewater Treatment Plant #1
Agreement Number: ADG 138N

Project Name: Ithaca Area Wastewater Treatment Facility

Contracted Capacity (kW)	Minimum Annual Contracted Generation ¹ (kWh)	Total Capacity Incentive ²	Total Performance Incentive ³	Total Contracted Project Incentive ⁴
200	1,401,600	\$200,000	\$490,560	\$690,560

Notes:

1. The Minimum Annual Contracted Generation is calculated by multiplying the Contracted Capacity by 8760 hours/year by an 80% Capacity Factor.
2. The applicant is replacing 220 kW existing capacity with 260 kW new capacity. Therefore, only the incremental capacity is eligible for capacity incentives. The Total Capacity Incentive is calculated by multiplying the incremental capacity by \$1,000/kW; it is capped at \$850,000 or 50% of the Total Eligible Capital Expenses, whichever is less.
3. The applicant's existing capacity generated 542,018 kWh/year. The new system is anticipated to generate 1,928,309 kWh/year; an increase of 1,385,291 kWh/year. The Total Performance Incentive is calculated based on EITHER by 1) multiplying the 1,385,291 by \$0.07/kWh by 5 years OR 2) subtracting the Total Capacity Incentive from \$1 million. The method producing the lowest Total Performance Incentive is used.
4. The Total Contracted Project Incentive is capped at the sum of the Total Capacity Incentive and the Total Performance Incentive or \$1,000,000, whichever is less.

DRAFT

RESOLVED, That the Land Acquisition Officer for the Department of Highways is requested to record said deeds when all legal requirements have been satisfied.

VWJ:lo
2012-02166
6/12/12

100
100
100
100
100

4A

DRAFT

Grantor	Dedications Gratuitous to the County of Rockland Address	Schedule A Town	Tax ID	
1 Yeshiva of Spring Valley	College Road, Suffern	Ramapo	p/o 49.14-1-76	Road Widening
2 Congregation Ribnitz	Old Nyack, Turnpike, Monsey	Ramapo	p/o 56.20-3-54, 7, 54, 8, & 55	Road Widening
3 Macy's Retail Holdings, Inc.	Middletown Road, Nanuet	Clarkstown	p/o 63.08-3-7	Road Widening
4 The Retail Property Trust	Middletown Road, Nanuet	Clarkstown	p/o 63.08-3-8	Road Widening
5 Highview Hills, LLC	Highview Road, Monsey	Ramapo	p/o 49.17-2-66	Road Widening
6 Andrew S. & Jean M. Mckeon	Orangeburg Road, Pearl River	Orangetown	p/o 69.18-2-2	Road Widening
7 Call Hollow Developers, Inc.	Call Hollow Road, Haverstraw	Haverstraw	p/o 19.10-1-3, 17, 3, 18, 3, 1	Road Widening
8 Glen Jacobsen	N. Little Tor Road, New City	Clarkstown	p/o 43.14-1-19	Road Widening
9 IMTTY Construction Corp.	S. Airmont Road, Airmont	Ramapo	p/o 61.07-1-4	Road Widening
10 Felicia Paige Emuna	p/o 129 Grandview Avenue, Wesley Hills	Ramapo	p/o 41.15-1-29	Road Widening
11 Tiferes Yisrael	p/o 57 Lime Kiln Road, Wesley Hills	Ramapo	p/o 41.06-1-21	Road Widening

4B

Introduced by:

Referral No.

DRAFT

AUTHORIZING AND APPROVING THE SALE OF COUNTY OWNED REAL PROPERTY LOCATED AT 185 NORTH MAIN STREET, SPRING VALLEY, NEW YORK [DEPARTMENT OF BUDGET AND FINANCE]

WHEREAS, By Resolution No. 184 of 2012, the Legislature of Rockland County authorized the sale of County owned real property located at 185 North Main Street, Spring Valley, New York, by public advertisement in accordance with County Law §215; and

WHEREAS, The Director of Purchasing advertised for public sale the County owned real property located at 185 North Main Street, Spring Valley, New York in accordance with County Law §215; and

WHEREAS, The Director of Purchasing solicited bids for the sale of the County owned real property located at 185 North Main Street, Spring Valley, New York under RFP-RC-2012-008 (the "RFP"); and

WHEREAS, Three (3) interested parties responded and submitted bids: (1) Village of Spring Valley (2) JR, LLC and (3) Cong. Khal Bais Shmiel; and

WHEREAS, Cong. Khal Bais Shmiel submitted the highest and best offer at Four Million Dollars (\$4,200,000.00); and

WHEREAS, The Real Property Tax Officer recommends that the Legislature of Rockland County approve the sale of the parcel known as 185 North Main Street, Spring Valley, New York, for the amount of \$4,200,000.00 to Cong. Khal Bais Shmiel; and

WHEREAS, Local Law No. 18 of 1996 provides for the Legislature to approve the "execution of all contracts in excess of \$100,000 entered into by the County"; and

WHEREAS, The Legislature have met, considered and now therefore be it

Committees of the approved this resolution;

RESOLVED, That the Legislature of Rockland County hereby approves the sale of the parcel known as 185 North Main Street, Spring Valley, New York to Cong. Khal Bais Shmiel for the amount of \$4,200,000.00, approves the transfer of title to the parcel by deed, and authorizes execution by the County Executive of all necessary documents, subject to the approval of the County Attorney.

2012-02469

AFR:mf

6-27-12

2012 JUN 27 10 41 AM

Introduced by:

Referral No.

AUTHORIZING AND APPROVING THE SALE OF COUNTY OWNED REAL PROPERTY LOCATED AT 2 NEW HEMPSTEAD ROAD, NEW CITY, NEW YORK [DEPARTMENT OF BUDGET AND FINANCE]

WHEREAS, By Resolution No. 191 of 2012, the Legislature of Rockland County authorized the sale of County owned real property located at 2 New Hempstead Road, New City, New York, by public advertisement in accordance with County Law §215; and

WHEREAS, The Director of Purchasing advertised for public sale the County owned real property located at 2 New Hempstead Road, New City, New York in accordance with County Law §215; and

WHEREAS, The Director of Purchasing solicited bids for the sale of the County owned real property located at 2 New Hempstead Road, New City, New York under RFP-RC-2012-009 (the "RFP"); and

WHEREAS, Two (2) interested parties responded and submitted bids: (1) Koenig Management and (2) JP Morgan Chase & Co.; and

WHEREAS, JP Morgan Chase & Co. submitted the highest and best offer at Four Million Dollars (\$4,000,000.00); and

WHEREAS, The Real Property Tax Officer recommends that the Legislature of Rockland County approve the sale of the parcel known as 2 New Hempstead Road, New City, New York, for the amount of \$4,000,000.00 to JP Morgan Chase & Co.; and

WHEREAS, Local Law No. 18 of 1996 provides for the Legislature to approve the "execution of all contracts in excess of \$100,000 entered into by the County"; and

WHEREAS, The Committees of the Legislature have met, considered and approved this resolution; now therefore be it

DRAFT

RESOLVED, That the Legislature of Rockland County hereby approves the sale of the parcel known as 2 New Hempstead Road, New City, New York to JP Morgan Chase & Co. for the amount of \$4,000,000.00, approves the transfer of title to the parcel by deed, and authorizes execution by the County Executive of all necessary documents, subject to the approval of the County Attorney.

2012-02470

AFR:mf

6-27-12

DRAFT

for Director of Police Academy services at the Rockland County Police and Public Safety Academy; and

WHEREAS, Sufficient funding for this agreement exists within the 2012 budget of the Sheriff's Department 3120-E4090; and

WHEREAS, Local Law No. 18 of 1996 provides for the Legislature to approve "execution of all contracts in excess of \$100,000 entered into by the County;" and

WHEREAS, The Committees of the Legislature have met, considered and unanimously approved this resolution, now, therefore, be it

RESOLVED, That the Legislature of Rockland County hereby approves the amendment and extension, in excess of \$100,000 with Eagle Professional Services Corp., 805 Sherman Avenue, Thornwood, New York, 10594, for the period from June 16, 2012 through November 16, 2012, in an additional amount of \$38,804, for a total contract sum not to exceed \$172,853 for Director of Police Academy services at the Rockland County Police and Public Safety, and authorizes its execution by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That sufficient funding for this agreement exists in the 2012 Budget of the Sheriff's Department 3120-E4090.

MB:mf
2012-02271
6-18-12
rev. 7-2-12

DRAFT

5A

"SCHEDULE A"

Academy Director

Eagle Professional Services Corporation, (the Contractor) will work under a job performance based evaluation, for a fee of \$38,804.15 payable bi-weekly at a rate of \$3,527.65.

Term of the contract: June 16, 2012 to November 16, 2012.

The contractor shall receive during this period, time off without penalty for professional conferences and other professional responsibilities as agreed upon between the Contractor and The Governing Board of the Academy.

Notwithstanding any provisions to the contrary, the Contractor shall be reimbursed for those professional conferences, schools and training sessions, that he is directed to attend by the Governing Board of the Academy.

The Contractor shall be indemnified under Local Law # 10 of 1996.

The contractor shall perform the duties outlined in the attached appendix.

DRAFT

WHEREAS, Sufficient funding for this agreement exists within the 2012 budget of the Sheriff's Department 3120-E4090; and

WHEREAS, Local Law No. 18 of 1996 provides for the Legislature to approve "execution of all contracts in excess of \$100,000 entered into by the County," and

WHEREAS, The _____ Committees of the Legislature have met considered and unanimously approved this resolution, now, therefore, be it

RESOLVED, That the Legislature of Rockland County hereby approves the amendment and extension to the agreement, in excess of \$100,000 with PTD Systems, Inc., 2 Edgebrook Lane, Monsey, New York 10952, for the period from June 16, 2012 through November 16, 2012, in an additional amount of \$32,458, for a total contract sum not to exceed \$144,584, for Use of Force Coordinator services at the Rockland County Police and Public Safety Academy, and authorizes its execution by the County Executive, subject to the approval of the County Attorney, and be it further

RESOLVED, That sufficient funding for this agreement exists in the 2012 Budget of the Sheriff's Department 3120-E4090.

MB:mf
2012-02274
6-18-12

RECEIVED
JUN 18 2012

DRAFT

SB

SCHEDULE 'A'

Use of Force Coordinator

Police Training Division, (the Contractor) will work under a job performance based evaluation, for a fee of \$32,458.03 payable bi-weekly at a rate of \$2,950.73.

Term of the contract: June 16, 2012 to November 16, 2012.

The Contractor will insure that ALL equipment is installed properly and operational as required for training at the Tilcon firearms Training Facility for the term of this contract. The Contractor will train selected instructors to use these state-of-the-art computer controlled reactive targets and running targets.

The Contractor shall receive during this period, time off without penalty for professional conferences and other professional responsibilities as agreed upon between the Contractor, the Director and the Governing Board of the Academy.

Notwithstanding any provisions to the contrary, the Contractor shall be reimbursed for those professional conferences, schools and training sessions that he is directed to attend by the Governing Board of the Academy.

The Contractor shall be indemnified under Local Law # 10 of 1996.

The Contractor shall perform the duties outlined in the attached appendix.

DRAFT

WHEREAS, Sufficient funding for this agreement exists within the 2012 budget of the Sheriff's Department 3120-E4090; and

WHEREAS, Local Law No. 18 of 1996 provides for the Legislature to approve "execution of all contracts in excess of \$100,000 entered into by the County," and

WHEREAS, The Committees of the Legislature have met, considered and unanimously approved this resolution, now, therefore, be it

RESOLVED, That the Legislature of Rockland County hereby approves the amendment and extension to the agreement, in excess of \$100,000 Steven Heubeck, 185 Old Kings Highway North, Darien, CT 06820, for the period from June 16, 2012 through November 16, 2012, in an additional amount of \$32,111, for a total contract sum not to exceed \$143,041, for In-Service Specialized Training Coordinator at the Rockland County Police and Public Safety Academy, and authorizes its execution by the County Executive, subject to the approval of the County Attorney, and be it further

RESOLVED, That sufficient funding for this agreement exists in the 2012 Budget of the Sheriff's Department 3120-E4090.

MB:mf
2012-02278
6-18-12

DRAFT

50

SCHEDULE "A"

In-Service and Specialized Training Coordinator

Steven Heubeck, (the Contractor) will work under a job performance based evaluation, for a fee of \$32,111.53 payable bi-weekly at a rate of \$2,919.23.

Term of the contract: June 16, 2012 to November 16, 2012.

The contractor shall receive during this period, time off without penalty for professional conferences and other professional responsibilities as agreed upon between the Contractor, the Director and the Governing Board of the Academy.

Notwithstanding any provisions to the contrary, the Contractor shall be reimbursed for those professional conferences, schools and training sessions, that he is directed to attend by the Governing Board of the Academy.

The Contractor shall be indemnified under Local Law # 10 of 1996.

The contractor shall perform the duties outlined in the attached appendix.

7A

DRAFT

Introduced by:

Referral No.

RESOLUTION NO. OF 2012
DETERMINING THAT THE VARIANCES IDENTIFIED IN THE BIDS OF BREGA
TRANSPORT CORP., MV TRANSPORTATION AND ROCKLAND TRANSIT CORP.
ARE MATERIAL AND REJECTING SAID BIDS AS NON-RESPONSIVE
TO THE REQUIREMENTS OF RFB-RC-2012-002
FOR TRANSIT OPERATIONS AND MAINTENANCE
[DEPARTMENT OF GENERAL SERVICES - DIVISION OF PURCHASING]







WHEREAS, RFB-RC-2012-002 ("RFB") was issued for the award of a contract to provide fixed-route public bus operations and maintenance services by which the contractor would be granted a contract to operate the Transport of Rockland and Tappan Zee Express Public Transit Services for a term of five (5) years; and

WHEREAS, The County's transportation operations are funded entirely by federal and state subsidies and fare box revenue; and

WHEREAS, In order to obtain such federal funding, the Federal Transit Administration ("FTA") required that the County award a contract for the necessary transit services by way of a competitive procurement process or adequately documented sole source justification; and

WHEREAS, The FTA also advised the County that if such procurement was not completed, the County risked losing its federal funding; and

WHEREAS, In order to comply with the FTA's directive to award a competitively-procured contract and applicable law, the County, with the assistance of an expert in public transit operations retained to review the procurement documents for compliance with industry standards and FTA regulations, prepared revised procurement documents for the fixed-route public transit operations and maintenance services which were structured as a competitive bid; and

WHEREAS, As a bid process requires the award of a contract to a responsible bidder submitting the lowest bid responsive to the requirements set forth in the RFB, the process does not permit, unlike an RFP, the County to interview the various proposers to clarify and discuss their bids

WHEREAS, As such, given the nature of the competitive bid process, the County added additional detail to the RFB, as compared to the prior RFP documents, which were added to ensure that each bidder was provided with the same information to set a common standard and to foster open and fair competition; and

DRAFT

Referral No.

WHEREAS, In addition, the RFB requirements were prepared to ensure that the contractor and its employees had the experience necessary to perform the public transit services in a safe, efficient and cost effective manner, and that the County received the services and equipment which are necessary to perform the requested services; and

WHEREAS, Among other things, the RFB set forth reasonable business requirements, essential experience requirements and basic qualifications to be provided or met by the bidders; and

WHEREAS, Additionally, the RFB was prepared with the following pertinent facts considered:

- (1) The County's assets (62 buses), which represent a significant investment of public funds (\$17,788,266 at current depreciated value), are to be provided to the contractor for use in performing the contract;
- (2) The daily operation of the referenced routes are critical to the public and the County and, as such, must be operated efficiently and by a firm experienced in public transit fixed-route service since the services currently provide approximately 3.4 million rides a year, or approximately 9,300 rides per day; and
- (3) FTA's third party contracting guidance requires the County to award the contract to a Responsible Bidder, which requires the County to consider, for example, past experience in carrying out similar work, and requires the County award the contract only to a contractor possessing the ability to successfully perform under the terms of the proposed contract.

WHEREAS, On March 30, 2012, the Purchasing Division received and opened three (3) bids for the RFB; and

WHEREAS, Bids were received from Brega Transport Corp. in the amount of \$69,990,693.00; MV Transportation in the amount of \$75,792,997.22; and Rockland Transit Corp. in the amount of \$76,427,497.00; and

WHEREAS, Each of the three (3) bids contains variances in relation to the requirements of the RFB; and

WHEREAS, These variances are material in that such variances, among other things, significantly fail to meet the express requirements of the RFB and impair the interest of the County, provide the respective bidder a substantial advantage not enjoyed by other bidders or prospective bidders, and places other bidders or prospective bidders at a competitive disadvantage; and

DRAFT

Referral No.

WHEREAS, The Director of Purchasing as the Principal Public Purchasing Official and the County Executive as the County Purchasing Agent recommend that the Legislature of Rockland County determine that the variances identified in the bids of Brega Transport Corp., MV Transportation and Rockland Transit Corp. be deemed material and that said bids be deemed non-responsive to the requirements of the RFB; and

WHEREAS, The _____ Committee of the Legislature has met, considered and _____ this resolution; now therefore be it

RESOLVED, That the Legislature of Rockland County determines that the variances identified in the bids of Brega Transport Corp., MV Transportation and Rockland Transit Corp. are material and rejects said bids as non-responsive to the requirements of RFB-RC-2012-002 for Transit Operations and Maintenance.

TS/bb/lo
2012-02234
6/12/12
6/26/12rev.

0
0
0
0
0