



MEMORANDUM

Agenda Item No. 7(J)(1)(B)

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners

DATE: September 9, 2004

FROM: George M. Burgess
County Manager 

SUBJECT: Amendment No. 6 to Contract for Paratransit Services with Advanced Transportation Solutions - Contract No. TA98-TSB

RECOMMENDATION

It is recommended that the Board approve Amendment No. 6 to Contract TA98-TSB for paratransit services with Advanced Transportation Solutions, LLC, (ATS). The proposed amendment: (1) extends the term of the contract between the County and ATS for up to six months from September 23, 2004 to March 22, 2005, on a month to month basis with an option to terminate upon thirty days written notice at the sole discretion of the County; (2) increases the per trip charge for both ambulatory and non ambulatory trips by \$.26 from \$21.45 ambulatory to \$21.71 and from \$30.84 non ambulatory to \$31.10 to reflect the Living Wage Ordinance impact effective October 1, 2004, and; (3) increases the ceiling of the contract by \$8,600,000 to \$111,555,000. These rates include a \$.55 per trip insurance adjustment (adjusted in Amendment 5) that must be extended for six months, a monthly fuel price adjustment of \$.37 per ambulatory trip and \$.53 per non-ambulatory trip which will fluctuate in accordance with fuel prices (adjusted in Amendment 1). Because the two extensions on the current contract were exhausted with Amendments No. 3 and 5, the Board must waive formal bid procedures and the requirements of Administrative Order 3-38 and authorize the County Manager to exercise the contract renewal provisions for Amendment No. 6 to Contract TA98-TSB.

The award recommendation of the new paratransit services contract to Advanced Transportation Solutions, LLC (ATS) is being considered by the Board under a separate agenda item. This proposed amendment is a contingency in the event of the Board's deferral or denial of the award since any lapse of these services would be extremely disruptive to the public.

BACKGROUND

The current contract is a non-exclusive contract for the primary purpose of providing ambulatory and non-ambulatory wheelchair transportation services to fulfill the County's obligation under the Americans with Disabilities Act (ADA) and Florida Statutes Chapter 427 for the Transportation Disadvantaged, including the Miami-Dade County Special Transportation Services (STS) program.

On June 8, 1999 the Board awarded Contract TA98-TSB to COMSIS Mobility Services, Inc. (COMSIS) to provide paratransit brokerage services for the Special Transportation Services (STS) program. Amendment No. 1 to the Contract was approved by the Board on December 12, 2000, adding a fuel adjustment to provide relief to the service providers due to the extraordinary, rapid escalation in fuel prices starting October 1, 1999 through the contract term.

On April 26, 2001 COMSIS submitted a 365-day written notice of its intent to terminate the Contract on April 26, 2002, and, in response, on July 24, 2001, the Board approved the assignment of Contract TA98-TSB to ATS

through Amendment No. 2. This action continued the County's paratransit transportation services and allowed the Broker to act as a Service Provider.

On September 24, 2002, the Board approved Amendment No. 3 authorizing the County Manager to exercise the first Option to Renew provision that extended the term of the contract through September 22, 2003, and included Living Wage provisions. Under the terms of the contract, as amended, the Service Providers are paid \$17.60 for each ambulatory trip provided and \$26.83 for each non-ambulatory trip provided. The contract ceiling was increased to \$102,100,000, retaining funding for the two optional extension periods.

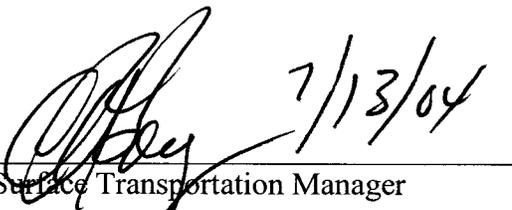
On May 6, 2003, the Board approved Amendment No. 4 to provide relief to the service providers for the escalating cost of Commercial Auto Insurance coverage starting December 1, 2002 through September 22, 2003. This contract amendment also requires ATS to implement a Safe Driver Program with an aggressive policy to address preventable motor vehicle collisions and reduce claims. The Board also directed staff to re-negotiate for lower insurance costs during the remaining optional contract year. The insurance adjustment through September 22, 2003 was \$.83 per trip. The contract ceiling was increased to \$102,955,000 to provide for this adjustment.

On September 9, 2003, the Board approved Amendment No. 5 exercising the second, and last, one year Option to Renew for Contract TA98-TSB extending the contract term from September 23, 2003 through September 22, 2004, to allow for a smooth transition from the current contract into a new contract. This contract amendment also includes a re-negotiated price per trip increase of \$.55 to reflect the escalating cost of Commercial Auto Insurance, effective September 23, 2003 through September 22, 2004. In addition, this amendment increased the trip rates by \$.25, and the current administrative fee per trip by \$.02, to reflect current living wages.

Again, this proposed Amendment No. 6 is provided only as a contingency in the event that the Board defers or denies the award of the new paratransit services contract and to ensure the continuity of services to the public beyond September 22, 2004, the current contract expiration date.

FISCAL IMPACT

The cost of the services provided under this contract for 6 months is estimated to be \$16,555,000. This sixth amendment is for an \$8.6 million increase in the ceiling of the existing contract. The difference of \$7.955 million will be addressed within the existing contract ceiling total of \$102,955,000. MDT will utilize available federal grants as such funding becomes available. The Federal Transit Administration (FTA) provides funding for 15-20% of this project. Florida's Transportation Disadvantaged Program provides funding to the County (\$6.4 million projected for fiscal year 2003-2004) of which approximately 78% goes towards funding the STS project. The FY 04-05 Proposed Operating Budget for Miami-Dade Transit includes funding of \$28.8 million for STS services for the year.


7/13/04

Surface Transportation Manager



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: September 9, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(J)(1)(B)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor

Agenda Item No. 7(J)(1)(B)

Veto _____

9-9-04

Override _____

RESOLUTION NO. _____

RESOLUTION AUTHORIZING WAIVER OF FORMAL BID PROCEDURES AND PROVISIONS OF ADMINISTRATIVE ORDER 3-38 AND AUTHORIZING THE EXECUTION OF AMENDMENT NO. 6 TO CONTRACT TA98-TSB WITH ADVANCED TRANSPORTATION SOLUTIONS, INC.; AND AUTHORIZING THE COUNTY MANAGER TO EXERCISE CANCELLATION PROVISIONS CONTAINED THEREIN

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board finds it to be in the best interest of the County to waive formal bid procedures and provisions of Administrative Order 3-38, formal bidding being waived pursuant to Section 4.03(D) of the Home Rule Charter by two thirds (2/3) vote of the Board members present; and approves Amendment No. 6 to the contract between Miami-Dade County and Advanced Transportation Solutions, Inc. to provide ambulatory and non-ambulatory wheelchair transportation services, with a total compensation ceiling not to exceed \$111,555,000 million, in substantially the form attached hereto and made a part hereof; and authorizes the County Manager to execute same for and on behalf of Miami-Dade County, and to exercise the cancellation provisions contained therein.

The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

| | |
|---------------------------------------|------------------|
| Dr. Barbara Carey-Shuler, Chairperson | |
| Katy Sorenson, Vice-Chairperson | |
| Bruno A. Barreiro | Jose "Pepe" Diaz |
| Betty T. Ferguson | Sally A. Heyman |
| Joe A. Martinez | Jimmy L. Morales |
| Dennis C. Moss | Dorrin D. Rolle |
| Natacha Seijas | Rebeca Sosa |
| Sen. Javier D. Souto | |

The Chairperson thereupon declared the resolution duly passed and adopted this 9th day of September, 2004. This Resolution and contract, if not vetoed, shall become effective in accordance with Resolution No. R-377-04.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as
to form and legal sufficiency. B.L.

Bruce Libhaber

By: _____
Deputy Clerk

SIXTH AMENDMENT TO CONTRACT TA98-TSB

BETWEEN

MIAMI-DADE COUNTY, FLORIDA AND

ADVANCED TRANSPORTATION SOLUTIONS, INC.

THIS SIXTH AMENDMENT, made and entered into this _____ day of _____, 2004 by and between MIAMI-DADE COUNTY, FLORIDA, a political subdivision of the State of Florida, (hereinafter referred to as "COUNTY"), and Advanced Transportation Solutions, Inc. (hereinafter referred to as the "BROKER").

WITNESSETH:

WHEREAS, by Resolution No. R-878-01 passed and adopted on July 24, 2001, the Board of County Commissioners authorized the assignment of Contract TA98-TSB to Advanced Transportation Solutions, Inc. for the purpose of providing paratransit transportation services (the "CONTRACT"); and

WHEREAS, the CONTRACT has been amended five times; and

WHEREAS, Amendment Number 1 established a methodology to adjust the fixed price per trip for extraordinary fuel price fluctuations; and

WHEREAS, Amendment Number 2 allowed the assignment of the Contract to a third party and allowed the Broker to act as a Service Provider; and

WHEREAS, Amendment Number 3 extended the CONTRACT through September 22, 2003; included living wage provisions, amending the ambulatory and non-ambulatory trips rate to reflect living wage rates; amend the Fuel Escalation clause of the CONTRACT to ensure a pass through of the monthly fuel escalation compensation to the purchasers of the fuel; added an annual refresher training for all program drivers; and

WHEREAS, Amendment Number 4 provided a methodology to adjust the fixed price per trip for the escalating cost of Commercial Auto Insurance and required the BROKER to implement a Safety Driver Improvement Program; and

WHEREAS, Amendment Number 5 extended the CONTRACT through September 22, 2004; included a re-negotiated price per trip increase of \$.55 for the escalating cost of Commercial Auto Insurance coverage for the period from September 23, 2003 through September 22, 2004; increased the trip rates by \$.25 and the administrative fee per trip by \$.02, to reflect living wages; and

WHEREAS, the COUNTY and the CONTRACTOR agree to extend the CONTRACT beyond its expiration date, September 22, 2004, for a period of six months, on a month to month basis, with an option to terminate upon thirty days written notice, at the sole discretion of the County; and

WHEREAS, the COUNTY believes to be in its best interest to extend, through the term of the Contract, the per trip adjustment of \$.55 to compensate the Broker for the escalating cost of Commercial Auto Insurance; and

WHEREAS, the COUNTY believes to be in its best interest that effective October 1, 2004, the current trip rates be increased by \$.22, and the current administrative fee per trip be increased by \$.04, to reflect current living wages; and

NOW, THEREFORE, in consideration of the premises and mutual covenants herein contained and for other good and valuable consideration the sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. The CONTRACT shall continue to be in full force and effect for an additional period of six months beyond September 22, 2004, on a month to month basis, with the option to terminate upon thirty days written notice and at the sole discretion of the County.

2. Add new last paragraph to Section 28.4.1, as follows:

Effective October 1, 2004, the BROKER will be compensated by the COUNTY at the following trip rates:

| | |
|----------------------------------|----------|
| Ambulatory trips..... | \$ 18.07 |
| Non-ambulatory trips..... | \$ 27.30 |
| Administrative fee per trip..... | \$ 2.72 |

3. Add new paragraph to Subsection 28.10 as follows:

“The County agrees to extend, through the term of the Contract, the per trip adjustment of \$.55 to compensate the Broker for the escalating cost of Commercial Auto Insurance.”

4. Amend Section 28.1 to read as follows:

“The maximum compensation to be paid to the BROKER by the COUNTY on account of services and related expenses authorized by sub-sections 28.4.1 through 28.4.3, 28.9 and 28.10 shall not exceed \$111,555,000.

ALL ELSE REMAINS THE SAME

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to
CONTRACT to be executed as of the date first above written.

ADVANCED TRANSPORTATION SOLUTIONS, INC.

ATTEST:

BY: David Naidel

BY: David Naidel

Name: David Naidel

Name: David Naidel

Title: Secretary

Title: General Manager

(Seal)

ATTEST:

MIAMI-DADE COUNTY, a
political Subdivision of the State of
Florida

HARVEY RUVIN, CLERK

By Its Board of County
Commissioners

BY: _____
Deputy Clerk

BY: _____
County Manager

Approved as to form
and legal sufficiency: Bruce Zibaker

