

New York City Transit Procurements

Louis Montanti, MTA Deputy Chief Procurement Officer – Procurement Operations

Schedule G: Miscellaneous Service Contracts



Item Number:

Vendor Name (Location) Clever Devices Ltd (Woodbury, New York)	Contract Number 451033	Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Description Digital Information Screens Maintenance Service	Total Estimated Amount: \$4,524,799 (Base + Options)	
Contract Term (including Options, if any): Thirteen Years (Three-year base + five 2-year options)	Base Contract: \$1,789,018 Options: \$2,735,781	
Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a	Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
Procurement Type <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Noncompetitive	Requesting Department: Department of Buses, Frank Annicaro	
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Sole-Source		

Discussion:

NYC Transit requests that the Board waive formal competitive bidding due to the existence of a single responsible source and approve the award of a three-year miscellaneous service contract to Clever Devices Ltd (“Clever”) for the provision of maintenance and support services related to Digital Information Screen (“DIS”) Systems installed on buses. The base award will be in the total estimated amount of \$1,789,018. The Board is also requested to authorize the MTA Senior Director, Procurement Operations to approve the exercise of up to five 2-year option periods in the total estimated amount of \$2,735,781.

This contract will allow for the provision of maintenance and support services for Clever. The DIS System is designed to enhance the customer experience on buses by providing audio/visual route and next stop information, planned and unplanned service advisories, as well as geographic specific advertising on screens throughout the bus. As of May 2024, there are currently 4,568 buses with DIS Systems: 3,860 from Vianova Technologies GmbH (“Vianova”), 619 from Clever, and 89 from Luminator Technology Group (“Luminator”).

NYC Transit Department of Buses (“DOB”) conducted extensive research into DIS technologies. A Request for Information was advertised in October 2015 resulting in three test and evaluation contracts being awarded to Vianova, Strategic Mapping Inc. (“Strategic”), and Clever in 2016 for the installation of DIS systems on a total of 200 buses. These test and evaluation contracts: (1) allowed for each vendor’s DIS system to be evaluated to ensure it worked in the NYC Transit operating environment; (2) qualified Vianova, Strategic, and Clever for future new-bus procurements; (3) fostered competition; and (4) allowed DOB to develop a comprehensive specification for use in this procurement. Having deemed all three test and evaluations a success, DOB began including DIS on new bus procurements as well as retrofitting existing buses. It should be noted that Strategic has been removed as a qualified vendor, and DOB has added 89 systems from Luminator in order to test its DIS system.

As the Original Equipment Manufacturer warranties have begun to expire, this contract is required to ensure the continued operation of the Clever DIS Systems installed on the MTA’s bus fleet. It should be noted that Clever is the sole manufacturer of its DIS hardware and software and Clever does not have any authorized agents to provide the required items and services.

Clever submitted its initial proposal in the total estimated amount of \$4,591,562 (\$1,855,781 base and \$2,735,781 for options). Clever’s pricing included a daily DIS maintenance rate to provide hardware and software maintenance for DIS-equipped buses and hardware/labor pricing for non-warranty repairs. Negotiations were conducted with Clever, the Cost Price Analysis Unit (“CPAU”) and Procurement. Negotiations focused on Clever’s DIS maintenance pricing which averaged \$1.82/bus/day for the base term and \$1.96/bus/day for the first option term (2027–2028). Beginning in 2029, Clever’s DIS maintenance price drops to an average of \$1.09/bus/day as it transitions to a “Fix as Fail” approach; Clever will continue to provide maintenance for its DIS systems but due to an expected obsolescence of the current screens, pricing for screen replacement is unavailable at the current time.

Subsequent to negotiations, Clever provided a unilateral price concession by providing a 15 percent discount on spare parts pricing as well as reducing labor hours for professional service rates. Clever’s final proposal in the total estimated amount of \$4,524,799 (\$1,789,018 for the base and \$2,735,781 for the options) represents savings of \$66,763 or 3.6 percent from its initial proposal for the base. There are no projected savings during option years due to uncertainty with the screens. Through negotiations, the Cost-Price Analysis Unit found Clever’s pricing fair and reasonable.

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The NYC Transit Controller's Office performed a financial review of Clever and determined that it is financially qualified to perform the work of the contract.

Clever has certified that pursuant to EO 16, it is not doing business in Russia.

The contract awarded to Clever resulting from this procurement was evaluated to determine the necessity and appropriate scope, if any, of cybersecurity requirements, including any requirements under federal, state, and local law and regulations. Cybersecurity language as agreed to by Clever and the Authority has been included in the contract terms and conditions.

M/W/DBE Information

The MTA Department of Diversity and Civil Rights has established zero percent M/WBE and zero percent SDVOB goals on this contract due to the lack of subcontracting availability.

Impact on Funding

These contracts will be funded with 100 percent MTA Operating funds.

Recommendation

It is recommended that the Board waive formal competitive bidding due to the existence of a single responsible source and approve the award of a three-year miscellaneous service contract to Clever for the provision of maintenance and support services related to Clever DIS Systems. The base award will be in the total estimated amount of \$1,789,018. It is also recommended that the Board authorize the MTA Senior Director, Procurement Operations to approve the exercise of up to five 2-year option periods in the total estimated amount of \$2,735,781.

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Item Number:

Vendor Name (Location) Vianova Technologies GmbH (Kaufbeuren, Germany)
Description Digital Information Screen Maintenance
Contract Term (including Options, if any): Thirteen Years (Three-year base + five 2-year options)
Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a
Procurement Type <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Noncompetitive
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Sole-Source

Contract Number 451036	Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Total Estimated Amount: \$13,554,242 (Base + Options)	
Base Contract: \$4,259,298 Options: \$9,294,944	
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
Requesting Department: Department of Buses, Frank Annicaro	

Discussion:

NYC Transit requests that the Board waive formal competitive bidding due to the existence of a single responsible source and approve the award of a three-year miscellaneous service contract to Vianova Technologies GmbH (“Vianova”) for the provision of maintenance and support services related to Digital Information Screen (“DIS”) Systems installed on buses. The base award will be in the total estimated amount of \$4,259,298. The Board is also requested to authorize the MTA Senior Director, Procurement Operations to approve the exercise of up to five 2-year option periods in the total estimated amount of \$9,294,944.

This contract will allow for the provision of maintenance and support services for DIS Systems provided by Vianova. The DIS System is designed to enhance the customer experience on buses by providing audio/visual route and next stop information, planned and unplanned service advisories, as well as geographic specific advertising on screens throughout the bus. As of May 2024, there are currently 4,568 buses with DIS Systems: 3,860 from Vianova, 619 from Clever, and 89 from Luminator Technology Group (“Luminator”).

NYC Transit Department of Buses (“DOB”) has conducted extensive research into DIS technologies. A Request for Information was advertised in October 2015, resulting in three test and evaluation contracts being awarded in 2016 to Vianova, Strategic Mapping Inc. (“Strategic”), and Clever for the installation of DIS systems on a total of 200 buses. These test and evaluation contracts: (1) allowed for each vendor’s DIS system to be evaluated to ensure it worked in the NYC Transit operating environment, (2) qualified Vianova, Strategic, and Clever for future new-bus procurements, (3) fostered competition, and (4) allowed DOB to develop a comprehensive specification for use in this procurement. Having deemed all three test and evaluations a success, DOB began including DIS systems on new bus procurements as well as retrofitting existing buses. It should be noted that Strategic has been removed as a qualified vendor and DOB has added 89 systems from Luminator in order to test its DIS system.

As the Original Equipment Manufacturer warranty has begun to expire on these systems, this contract is required to ensure the continued operation of the Vianova DIS Systems installed on the MTA’s bus fleet. It should be noted that Vianova is the sole manufacturer of its DIS hardware and software, and Vianova does not have any authorized agents to provide the required items and services.

Vianova submitted its initial proposal in the total estimated amount of \$14,368,302 (\$4,492,424 base and \$9,875,878 options), which included a daily DIS maintenance rate to provide hardware and software maintenance for DIS system-equipped buses and hardware/labor pricing for non-warranty repairs. Negotiations were conducted with Vianova, the Cost Price Analysis Unit (“CPAU”), and Procurement. Negotiations focused on Vianova’s DIS maintenance price of \$1.70/bus/day which it agreed to hold for the entire contract period including all option periods (13 years total). Subsequent to negotiations, Vianova provided a unilateral price concession, bringing its price for DIS maintenance to \$1.60/bus/day for the entire contract including all option periods. Vianova’s final proposal in the total estimated amount of \$13,554,242 (\$4,259,298 for the base and \$9,294,944 for the options) represents a savings of \$233,126 or 5.2 percent from its initial proposal for the base and \$580,934 or 5.9 percent for the option periods. A total savings of \$814,060 or 5.7 percent will be achieved if all options are exercised. Through negotiations, CPAU found Vianova’s pricing fair and reasonable.

The NYC Transit Controller's Office performed a financial review of Vianova and determined that it is financially qualified to perform the work of the contract.

Vianova has certified that pursuant to EO 16, it is not doing business in Russia.

The contract awarded to Vianova resulting from this procurement was evaluated to determine the necessity and appropriate scope, if any, of cybersecurity requirements, including any requirements under federal, state, and local law and regulations. Vianova has certified compliance with the MTA's cybersecurity requirements.

M/W/DBE Information

The MTA Department of Diversity and Civil Rights (DDCR) has established zero percent M/WBE and zero percent SDVOB goals on this contract due to the lack of subcontracting availability.

Impact on Funding

These contracts will be funded with 100 percent MTA Operating funds.

Recommendation

It is recommended that the Board waive formal competitive bidding due to the existence of a single responsible source and approve the award of a three-year miscellaneous service contract to Vianova for the provision of maintenance and support services related to Vianova DIS Systems. The base award will be in the total estimated amount of \$4,259,298. It is also recommended that the Board authorize the MTA Senior Director, Procurement Operations to approve the exercise of up to five 2-year option periods in the total estimated amount of \$9,294,944.

Schedule H: Modifications to Personal Service & Miscellaneous Service Contracts
Item Number:

Vendor Name (Location) Turtle & Hughes, Inc. (Linden, New Jersey)	
Description: Sag Corrector Technical Support & Repair Services	
Contract Term (including Options, if any) June 20, 2019–June 30, 2024	
Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a	
Procurement Type <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Noncompetitive	
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Sole-Source	
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
Requesting Department: NYC Transit Subways, Signals	

Contract Number 6%24218	AWO/Mod. # 2
Original Amount:	\$ 3,577,121
Prior Modifications:	\$ 0
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 3,577,121
This Request:	\$ 7,380,000 (estimated)
% of This Request to Current Amount:	206%
% of Modifications (including This Request) to Original Amount:	206%

Discussion:

NYC Transit is seeking Board approval to exercise Option 1 of the Sag Corrector Service Agreement for the Department of Subways awarded to Turtle & Hughes, Inc. (“T&H”) in order to add an additional five-year maintenance period. The estimated amount of this Option is \$3,540,000. The Board is also requested to authorize the Senior Director, Procurement Operations to approve the exercise of Option 2 in the amount of \$3,840,000 for a subsequent five-year period pending the approval of funding in 2029.

This contract addresses the continuing need to ensure a reliable and consistent supply of electrical power to the signal system. Reductions in power being supplied to the signal system in short durations are due to “sags” in supplied voltage. Sags in voltage cause signals to trip red and thus prevent the movement of trains. Specialty equipment designed to eliminate sags in voltage to the signal system were furnished and installed at 384 locations throughout NYC Transit’s subway system by Con Edison pursuant to a 2017 directive from the New York State Public Service Commission. These sag correctors were manufactured by Rockwell Automation (“Rockwell”) and were supplied by T&H as Rockwell’s sole distributor and service technician in the New York and mid-Atlantic region. T&H remains the only Rockwell-authorized service provider for troubleshooting and repair support for the equipment.

In September 2019, the Board ratified a contract award made pursuant to the declaration of an Immediate Operating Need requested by the Department of Subways and approved by the Vice President of Materiel for a Sag Corrector Service Agreement in the total estimated amount of \$3,577,121 to T&H for a period of five years funded through the Subway Action Plan. The contract included two 5-year Options: Option 1 is an additional five-year maintenance period (July 1, 2024–June 30, 2029) in the estimated amount of \$3,540,000; and Option 2 is an additional five-year maintenance period (July 1, 2029–June 30, 2034) in the estimated amount of \$3,840,000.

Under this contract, T&H shall provide (1) unlimited telephone and e-mail technical support; (2) off-site software / hardware engineering and support; (3) on-site technical support on an as-needed basis; and (4) all equipment parts, component parts supply, and warranty of all equipment parts for the duration of the contract term. T&H shall also provide training of in-house forces to perform essential maintenance and troubleshooting of the equipment. All the above are included at a firm-fixed all-inclusive monthly rate.

The pricing for these Options were negotiated and established as part of the base contract and have been found fair and reasonable.

T&H has certified pursuant to EO 16 that it is not doing business in Russia.

This contract has been evaluated to determine the necessity and appropriate scope, if any, of cybersecurity requirements, including any requirements under federal, state, and local law and regulations. Any applicable cybersecurity requirements, to the extent required, have been included in the contract terms and conditions.

In connection with a previous contract awarded to T&H, T&H was found to be responsible notwithstanding significant adverse information (“SAI”) pursuant to the All-Agency Responsibility Guidelines and such responsibility finding was approved by the MTA Chair & CEO in consultation with the MTA General Counsel in March 2019. No new SAI has been found relating to T&H and T&H has been found to be responsible.

Impact on Funding

This requirement will utilize Operating Funds available under the Subway Action Plan budget.

Schedule H: Modifications to Personal Service & Miscellaneous Service Contracts



Item Number: 4-7

Vendor Names (Locations) ARRO Inc. (New York, New York) Corporate Transportation Group Ltd. (Brooklyn, New York) Fejost LLC d/b/a Sentry Management Solutions (Bronx, New York) Bel-Linda d/b/a Islander Transportation (Staten Island, New York)	Contract Numbers 6%28441 6%28439 6%28440 6%23299	AWO/Mod. #s 6 9 8 5
Description: Broker Car Service for Paratransit	Original Amounts: 6%28441 \$ 158,411,532 6%28439 \$ 160,806,656 6%28440 \$ 162,360,366 6%23299 \$ 10,163,549	
Contract Term (including Options, if any) Five years; Options up to 2 years	Prior Modifications: 6%28441 \$ 5,332,719 6%28439 \$ 64,745,261 6%28440 \$ 12,431,934 6%23299 \$ 5,376,463	
Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a	Prior Budgetary Increases 6%28441 \$ 0.00 6%28439 \$ 237,526,121 6%28440 \$ 0.00 6%23299 \$ 0.00	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive	Current Amounts: 6%28441 \$ 163,744,251 6%28439 \$ 463,078,038 6%28440 \$ 174,792,300 6%23299 \$ 15,540,012	
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	This Request: (ARRO) 6%28441 \$ 0 (CTG) 6%28439 \$ 295,642,729 (Sentry) 6%28440 \$ 5,981,555 (Islander) 6%23299 \$ 8,732,804	
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	% of This Request to Current Amount: 6%28441 0.00% 6%28439 63.84% 6%28440 3.42% 6%23299 56.20%	
Requesting Department: Department of Paratransit, Rachel Cohen, Acting VP	% of Modifications (including This Request) to Original Amount: 6%28441 3.37% 6%28439 371.82% 6%28440 138.82% 6%23299 145.3%	

Discussion:

NYC Transit is seeking Board approval to exercise the Option years (August 1, 2024–July 31, 2026) of contracts 6%28441 with ARRO Inc. (“ARRO”), 6%28439 with Corporate Transportation Group Ltd. (“CTG”), and 6%28440 with Fejost, LLC d/b/a Sentry Management Solutions (“Sentry”) for the provision of Broker Car Service for Paratransit Access-A-Ride (“AAR”) service. A total estimated expenditure of \$521 million is anticipated during the option period. Therefore, funding is requested as follows: no additional funding is requested for ARRO, as the estimated expenditure for this extension period is \$47,572,977 and \$135,098,787 will be remaining in the contract on July 31, 2024; funding in the amount of \$295,642,729 is requested for CTG, as the estimated expenditure for this extension period is \$358,206,094 and \$62,563,365 will be remaining in the contract on July 31, 2024, and funding in the amount of \$5,981,555 is requested for Sentry, as the estimated expenditure for this extension period is \$115,221,663 and \$109,240,108 will be remaining in the contract on July 31, 2024. Additionally, NYC Transit seeks approval to extend contract 6%23299 with Bel-Linda d/b/a Islander Transportation (“Islander”) for the provision of Broker Car Service for AAR service on Staten Island for the same period in the amount of \$8,732,804, as \$655,723 will be remaining in the contract on July 31, 2024. The total estimated expenditure during the extension period is \$9,398,527.

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NYC Transit provides AAR service utilizing two different approaches: dedicated service and non-dedicated service. Dedicated service providers are known as Primary Carriers whose only business is to transport NYC Transit AAR customers using NYC Transit–owned vehicles. Non-dedicated service providers, such as Brokers, perform AAR service in concert with their existing operations. The use of non-dedicated service provides cost and operational benefits to NYC Transit in that Paratransit does not directly bear the total responsibility for maintenance and operating costs, as is the case with dedicated service. The Broker model is also a fully Americans with Disabilities Act–compliant mode of paratransit transportation that utilizes contractor(s) to schedule and dispatch prearranged trips for AAR customers through the use of the contractor’s own vehicles and/or its non-dedicated subcontractor network of taxi, livery, and black car service providers.

In December 2020, a competitive Request for Proposals (“RFP”) was solicited, resulting in the awards of four Broker contracts on August 1, 2021, to ARRO, CTG, Sentry, and Greenpoint Transit LLC (“Greenpoint”) for a three-year base term with Options for up to an additional two years. Greenpoint was terminated for cause shortly after award, as the company dissolved. ARRO, CTG, and Sentry have been performing satisfactorily, notwithstanding the lasting adverse effects of the pandemic, with the assistance of an incentive program as described below. The current contracts expire July 31, 2024. These modifications will exercise the Options to extend the terms through July 31, 2026.

In November 2021, an Immediate Operating Need (“ION”) was declared to address Paratransit service issues based on the impacts of the COVID-19 pandemic; an industry-wide driver shortage and high inflation were affecting all NYC transportation providers. Broker performance was severely impacted as AAR service demand had already returned to 90 percent of pre-COVID levels by that time; on-time performance decreased, and Broker no-show rates increased when compared to the period before March 2020. The ION allowed Paratransit to address the Broker Car Service performance issues by introducing an incentive program intended to entice drivers to perform AAR trips at the same rates non-AAR trips were performed. The incentives had a positive impact on AAR performance, effectively counteracting industry-wide competition for drivers and cost inflation pressures, which continued throughout 2022 and 2023 and continue today. For this reason, incentives will be included in these options to enable the contractors to continue to competitively attract a reliable driver workforce and continue to maintain and improve performance as projected demand continues to increase.

Pricing for Broker Car Service is structured to provide rates based on zone-to-zone combinations, defined by intra- and inter-borough zip codes throughout the five boroughs. During the RFP process, proposers had the opportunity to provide different pricing for the Option period. The Option-year pricing was secured during negotiations at a weighted average cost per trip (“WACPT”) of \$31.43, slightly lower than the base years’ WACPT of \$31.55. MTA’s Cost/Price Unit performed an analysis of the Option period WACPT and deemed it to be fair and reasonable based on the marketplace average. It should be noted that with respect to the incentives, Paratransit’s finance team performed an internal analysis, which determined that without the current incentives program, Broker pricing falls far below the pricing charged by ride-share service providers such as Uber and Lyft.

While any broker service provider may perform trips in Staten Island, Islander, based in Staten Island, services Staten Island exclusively. Islander’s contract was awarded in 2019 during a competitive RFP that included a Class award exclusively for Staten Island Broker. The two-year Option was exercised in February 2022, and the contract was further extended through July 31, 2024, to expire coterminously with the other broker’s base contracts. This modification will further extend Islander’s contract through July 31, 2026, in order to maintain a coterminous expiration with the ARRO, CTG, and Sentry contracts. It is anticipated that a competitive renewal RFP for Broker Car Service will be released in 2025 and include a Class award exclusively for a Staten Island Broker, as it was successfully utilized in 2019.

Islander’s pricing was determined fair and reasonable and has been fixed for the duration of the base and option years (March 2019–February 2024) at a WACPT of \$23.95. An 18 percent price increase was negotiated for this extension period bringing the current WACPT within Staten Island to \$28.35. The MTA Cost/Price Unit performed an analysis on Islander’s proposed pricing for the extension period and deemed it to be fair and reasonable based on the marketplace average.

The NYC Transit Controller’s Office performed an updated financial analysis of all four contractors and found each to be financially qualified to perform the work.

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ARRO, CTG, Sentry, and Islander have certified that pursuant to EO 16, they are not doing business in Russia.

The contract awarded to ARRO resulting from this procurement was evaluated to determine the necessity and appropriate scope, if any, of cybersecurity requirements, including any requirements under federal, state, and local law and regulations. Cybersecurity language as agreed to by ARRO and the Authority has been included in the contract terms and conditions.

The contract awarded to CTG resulting from this procurement was evaluated to determine the necessity and appropriate scope, if any, of cybersecurity requirements, including any requirements under federal, state, and local law and regulations. Cybersecurity language as agreed to by CTG and the Authority has been included in the contract terms and conditions.

The contract awarded to Sentry resulting from this procurement was evaluated to determine the necessity and appropriate scope, if any, of cybersecurity requirements, including any requirements under federal, state, and local law and regulations. Cybersecurity language as agreed to by Sentry and the Authority has been included in the contract terms and conditions.

The contract awarded to Islander resulting from this procurement was evaluated to determine the necessity and appropriate scope, if any, of cybersecurity requirements, including any requirements under federal, state, and local law and regulations. Islander has certified compliance with the MTA's cybersecurity requirements.

M/W/DBE Information

M/WBE goals of 15 percent Minority and 15 percent Women-owned businesses were assigned to the ARRO, CTG, and Sentry contracts. Islander's contract was not assigned M/WBE goals due to insufficient firms on Staten Island to participate. Through ongoing MTA outreach efforts, 11 additional firms are currently NYS M/WBE certified. It should be noted that the award to Sentry in the amount of \$162.3 million was the first prime contract awarded to a NYS Certified MBE Broker service provider. And, with Procurement's encouragement, Islander became a NYS certified WBE firm in August 2021, making them the second M/WBE firm to hold a prime Paratransit Broker contract to date.