

SEPTEMBER 2022

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

H. Modifications to Personal Service Contracts and Miscellaneous Service Contracts Awarded as Contracts for Services

(Staff Summaries required for items estimated to be greater than \$1,000,000.)

- | | | |
|--|-------------|-------------------------------|
| 1. Port Imperial Ferry Corporation
d/b/a NY Waterway
8 years
Contract# 1000044225 AWO 9 | \$8,244,372 | <i>Staff Summary Attached</i> |
|--|-------------|-------------------------------|
- Modification to exercise the final two-year contract renewal option for the period of January 1, 2023, to December 31, 2024.

Schedule H: Modifications to Personal Service and Miscellaneous Service Contracts



Item Number: 1

Vendor Name (Location) Port Imperial Ferry Corporation d/b/a NY Waterway (Weehawken, New Jersey)	Contract Number 1000044225	Modification 9
Description Ferry Service (Including Ancillary Services)	Original Amount:	\$16,000,000
Contract Term (including Options, if any) Four Years with three 2-Year Renewal Options	Prior Modifications:	\$6,593,620
Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Prior Budgetary Increases:	0
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive	Current Amount:	\$22,593,620
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	This Request:	\$8,244,372
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input checked="" type="checkbox"/> Other: State (NYSDOT)	% of This Request to Current Amount:	36.5%
Requesting Department Operations Planning and Analysis	% of Modifications (including This Request) to Original Amount:	92.7%

Discussion:

Metro-North Railroad (“MNR”) is seeking Board approval to modify Contract 1000044225 with Port Imperial Ferry Corporation d/b/a NY Waterway (“NY Waterway”) to add funding in the amount of \$8,244,372 to cover continued services for the last quarter of 2022, plus the exercise of the final two-year contract renewal option for the period January 1, 2023, to December 31, 2024.

MNR awarded this competitively solicited contract in 2014 for a term of four years with three 2-year renewal options. Under this modification, NY Waterway will continue to provide service for the Haverstraw-Ossining and Newburgh-Beacon routes. Each route has regularly scheduled commuter ferry service, Monday through Friday, throughout the morning and afternoon peak periods, except on MNR designated holidays. Ancillary services provided by NY Waterway are also included, such as daily maintenance of the parking facilities, trash removal, snow removal, ferry repairs, and management of interim bus services if the ferry is out of service or unable to operate due to adverse weather conditions. Ferry services are provided to improve access between Rockland/Orange counties and MNR’s Grand Central Terminal and East of Hudson stations, and to improve air quality by reducing the number of single-occupancy vehicles on the road.

Contract pricing for the ferry and ancillary services was originally based on negotiated hourly rates adjusted annually using the NY Region Consumer Price Index (“CPI”). However, for this renewal option, an annual increase of 2 percent was negotiated, which is currently 1.09 percent less than the most recent CPI and is projected to be less than the CPI for year two of this two-year renewal option term. All other terms, conditions, and pricing remain the same.

During this final two-year renewal period, MNR will conduct a competitive solicitation to establish a new contract for the continuation of these services.

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.

Ferry services under this contract were suspended between March 2020 and August 2021 as a result of the Covid-19 pandemic. As such, previously approved funds for service were available and applied to services during the past year (September 2021–September 2022). At this time, funding totaling \$8,244,372 is being requested to cover services for the last quarter of year 2022 in the amount of \$883,763, and the final two-year contract renewal option in the amount of \$7,360,609.

Impact on Funding

Funding for this modification is based on the New York State Department of Transportation (“NYSDOT”) Memorandum of Understanding with MNR for both ferry service routes, including federal and state grants. The ferry service will be funded by NYSDOT (39 percent), federal funding (38 percent), and MNR operating funds along with ferry revenue (23 percent).