

PROPOSED ORDINANCE NO. 52 - 2020

TO AUTHORIZE THE COUNTY EXECUTIVE TO EXECUTE AN AMENDMENT TO A CONTRACT WITH TRANSDEV SERVICES, INC., FOR THE MANAGEMENT, OPERATION AND MAINTENANCE OF A NASSAU COUNTY BUS SYSTEM.

WHEREAS, pursuant to Section 119-r of the General Municipal Law and Local Law 15-1972, Nassau County is authorized to provide mass transportation services within Nassau County;

WHEREAS, pursuant to Title 10 of the Miscellaneous Laws of Nassau County and Local Law 15-1972, the County is authorized to contract with public or private entities for the management, operation and maintenance of such services;

WHEREAS, pursuant to Fixed Route Bus and Paratransit Operation, Management and License Agreement dated as of December 23, 2011, as amended (the “Agreement”), Transdev Services, Inc. (“Transdev”) has been operating and managing the County’s fixed route transit and paratransit service;

WHEREAS, the County and Transdev now wish to further amend the Agreement to provide for: (i) a temporary reduction in service and related changes due to the COVID-19 pandemic, including a temporary adjustment to the variable rate as an eligible expense under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), and (ii) an extension of the current contract term to add two (2) additional years to afford the County ample time to stabilize bus operations and ridership resulting from the COVID pandemic and conduct a new procurement for the services; and

WHEREAS, the County and Transdev have negotiated a proposed amendment (the “Amendment”) to the Agreement, which Amendment is on file with the Clerk of the Nassau County Legislature; now, therefore,

BE IT ORDAINED BY THE COUNTY LEGISLATURE OF NASSAU COUNTY, as follows:

§ 1. The County Executive is hereby authorized to execute the Amendment, as well as any and all ancillary agreements related thereto.

§ 2. Severability. If any section, subdivision or provision of this ordinance or the application thereof to any person or circumstance be adjudged invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the section, subdivision or provision of or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this ordinance, or the application thereof to other persons or circumstances.

§ 3. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that the adoption of this Ordinance is a “Type II” Action within the meaning of Section 617.5(c)(20), and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§ 4. This ordinance shall take effect immediately.