

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: August 28, 2013

SUBJECT: Henderson County Transit Contract Amendment

PRESENTER: Matthew Cable, AICP, Transportation Planner

ATTACHMENTS: Draft Transit Contract Amendment

SUMMARY OF REQUEST:

The Board of Commissioners previously authorized staff to enter into a contract for public transit services with Western Carolina Community Action (WCCA) on May 17, 2011. The contract established service hour caps, payment caps, and hourly rates for the provision of transit and paratransit services. Modifications to the contract are needed for FY 2012 and FY 2013.

In FY 2012 WCCA provided an additional 246 hours of paratransit services beyond the original contract cap. Due to a higher than anticipated reimbursement rate from FTA, the local cost for the additional service provision was covered within the existing FY 2012 budget. The County's recent WCCA audit recommends the contract be amended to reflect the additional hours of paratransit service provided by WCCA and already paid for by the County.

In FY 2013 staff requested WCCA provide additional transit service to prevent service interruptions to Blue Ridge Community College created by NCDOT construction at the intersection of Upward Road and South Allen Road. Over the two week construction period in August 2012, additional hours of transit service were provided to continue service to Blue Ridge Community College. At the end of FY 2013 a total of 33.25 additional transit service hours accumulated beyond the original contract cap. The additional cost of service provision is covered within the existing FY 2013 budget as a result of a higher than anticipated reimbursement rate from FTA.

BOARD ACTION REQUESTED:

Staff requests the Board of Commissioners authorize the transit contract amendment to address service hour increases in FY 2012 and FY 2013.

Suggested Motion:

I move the Board authorize the transit contract amendment.

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**HENDERSON COUNTY TRANSIT RENEWAL CONTRACT
AND AMENDMENT**

This Agreement made and entered this the ___ of _____, 2013, by and between **Henderson County**, a body politic and corporate under the laws of the State of North Carolina (hereinafter the "COUNTY") and **Western Carolina Community Action** (hereinafter the "SERVICE PROVIDER"), a nonprofit organization is a renewal of the original agreement signed on _____ by the parties.

Witnesseth

WHEREAS the County and the Service Provider have had an agreement for transit services since 17 May, 2011;

WHEREAS the County is desirous to contract with the Service Provider for the continuance of these services; and

WHEREAS the previous agreement allows the County and the Service Provider to amend the Agreement;

NOW THEREFORE, for valuable consideration and mutual promises, the adequacy and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. **HOURS AND RATE:** The paratransit services cap for FY2012 shall be raised an additional 246.00 hours at a rate of \$38.20 per hour.
2. **HOURS AND RATE:** The transit services cap for FY2013 shall be raised an additional 33.25 hours at a rate of \$56.22 per hour.
3. **ORIGINAL TERMS:** All terms established in the Original Agreement except as modified above, shall remain in effect for the duration of this Agreement.

IN WITNESS WHEREOF, each party has caused this Amendment to be duly executed on the day and year first above written and if corporate, by their duly authorized representative.

On this the ___ day of _____, 2013.

HENDERSON COUNTY

By: _____
Steve Wyatt, County Manager
SERVICE PROVIDER

By: _____
_____, WCCA

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

I, Notary Public of the County and State aforesaid certify that Steve Wyatt, personally came before me this day and acknowledged that he is the County Manager for Henderson County, a corporation and body politic, and that by authority duly given and as the act of the corporation the foregoing instrument was signed in its.

WITNESS my hand and notarial seal this _____ day of _____, 2013.

Notary Public: _____
Print or type name: _____
My Commission Expires: _____

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

I, Notary Public of the County and State aforesaid certify that _____, personally came before me this day and acknowledged that he is the _____ of Western Carolina Community Action (WCCA), a lawful corporation under the regulations of North Carolina, and that by authority duly given and as the act of the corporation the foregoing instrument was signed in its name by himself as its _____.

WITNESS my hand and notarial seal this _____ day of _____, 2013.

Notary Public: _____
Print or type name: _____
My Commission Expires: _____

PRE-AUDIT CERTIFICATION

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act N.C.G.S. 159-28(a)

By: _____

Date: _____

Name (Print): _____
Henderson County Finance Director