



## Cover Memorandum/Staff Report

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**File #:** 18-0565 CRA

**Agenda Date:** 5/7/2020

**Item #:**

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**TO:** CRA Board of Commissioners  
**FROM:** Ivan Cabrera, AICP, Redevelopment Manager  
**THROUGH:** Renée A. Jadusingh, Esq., CRA Executive Director  
**DATE:** May 7, 2020

### **FIXED ROUTE TRANSPORTATION SERVICES - RATIFY CONTRACT AMENDMENT DUE TO COVID-19**

#### **Recommended Action:**

Ratify the Fixed Route Transportation Services Contract Amendment executed following a declared state of emergency due to COVID-19.

#### **Background:**

The CRA and First Transit, Inc. previously entered into a Transportation Services Agreement dated June 25, 2019, ("Original Agreement"). On February 25, 2020, both parties entered into to a First Amendment to the Original Agreement to amend the Contract Price for the transportation services.

On March 13, 2020, due to COVID-19 Coronavirus, the City of Delray Beach, Florida ("City") declared a state of emergency to properly prepare for, and respond to the virus; on March 20, 2020, the City confirmed the state of emergency dated March 13, 2020, and ordered all non-essential businesses to close pursuant to Resolution No. 75-20; and on March 26, 2020, Palm Beach County issued emergency order 2020-002 ordering all non-critical businesses to close.

Due to the City's declared state of emergency the ensuing emergency orders, the CRA and First Transit entered into a temporary contract amendment. This amendment may be further amended in order for the CRA and First Transit to comply with federal, state, and local orders related to COVID-19. Furthermore, this amendment shall remain in effect until the City terminates its state of emergency due to COVID-19, at which time the terms and conditions of the Original Agreement shall be reinstated.

On March, 23, 2020, the Fixed Route service was suspended until further notice in order to prevent exposing riders and drivers to COVID-19.

The Second Temporary Contract Amendment was executed on April 3, 2020 and included temporary changes related to ceasing operations of the service route and modifications to the contract price paid by the CRA to First Transit. Below pertinent excerpts from the Second Temporary Contract Amendment:

- First Transit shall immediately cease operating the Service Route.

- The Contract Price paid by the CRA to First Transit shall be \$30.04 per hour. The Contract Price paid to First Transit during the Term of this Second Amendment shall be allocated by First Transit to pay for driver wages and fringe benefits, manager wages and fringe benefits, and administrative expenses. The purpose of this Contract Price during the Term of this Second Amendment is to retain the drivers and manager at the current pay and benefits.
- During the Term of this Second Amendment, the CRA reserves the right to request First Transit to provide other services, such as, but not limited to, meal pick-up and delivery. In the event the CRA elects to exercise this right, the CRA Staff shall notify First Transit in writing, and shall pay First Transit the Requested Services Contract Price of \$47.50 per hour for the requested services as the sole payment to First Transit during the Term of this Second Amendment. The Requested Services Contract Price shall be all encompassing and include driver wages and fringe benefits, manager wages and fringe benefits, administrative expenses, technician wages and fringe benefits, revenue vehicle lease, and maintenance parts and supplies.

Attachment(s): Exhibit A - Second Temporary Contract Amendment

**CRA Attorney Review:**

The CRA Attorney has reviewed the Agreement as to form and determined it to be acceptable.

**Finance Review:**

N/A

**Funding Source/Financial Impact:**

Funding is available in the amount of \$1,400,000 - GL# 5230 - Transportation Services