

**RESOLUTION 2020-043**

**PASSED: MAY 26, 2020**

**AUTHORIZING AN AMENDMENT TO THE TRANSIT SERVICE PROVIDER AGREEMENT WITH TRANSDEV SERVICES, INC.**

**WHEREAS**, the provision of public transportation service is essential to the people of Illinois; and

**WHEREAS**, the City Council approved the Mayor to execute a transit service provider contract with Transdev Services Inc. to provide public transit services in the DeKalb Urbanized Area on November 13, 2018; and

**WHEREAS**, due to changes in the original fixed route schedule, operational and financial amendments are necessary to update the contract; and

**WHEREAS**, due to redundancy in service area, the Route 8R was removed from service on January 1, 2019; and

**WHEREAS**, in October 2019, the City requested an expansion of service to include the Route 12 and the Route 19, increasing total revenue hours and monthly fixed costs; and

**WHEREAS**, due to the COVID-19 pandemic, the City of DeKalb received CARES Act funding from the Federal Transit Administration to prepare for and respond to impacts associated with the coronavirus, and as such, the City can use CARES Act funds to assist Transdev Services Inc. with eligible expenses; and

**WHEREAS**, the increase in revenue hours and monthly fixed route costs increases the total anticipated cost of the contract to \$21,612,810.04.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF DEKALB, ILLINOIS:**

**SECTION 1:** That the Mayor of the City of DeKalb, Illinois, is authorized and directed to execute an amended agreement with Transdev Services Inc. for operational and financial adjustments, including an increase in total contract cost in an amount not to exceed \$21,612,910.04, a copy of which is attached hereto and made a part thereof as "Exhibit A," subject to such changes as shall be acceptable to him with the recommendation of the City Manager.

**SECTION 2:** That the City Clerk or the Executive Assistant of the City of DeKalb, Illinois be authorized and directed to attest the Mayor's signature and shall be effective thereupon.

**PASSED BY THE CITY COUNCIL** of the City of DeKalb, Illinois, at a Regular meeting thereof held on the 26<sup>th</sup> day of May 2020 and approved by me as Mayor on the same day. Passed by a 6-0-2 roll call vote. Aye: Morris, Finucane, Perkins, McAdams, Verbic,

Mayor Smith. Nay: None. Absent: Smith (Recused), Faivre.

**ATTEST:**



**RUTH A. SCOTT**, Executive Assistant



**JERRY SMITH**, Mayor



Exhibit A

**AMENDMENT TO THE TRANSIT SERVICE PROVIDER AGREEMENT DATED  
JANUARY 1, 2019 BETWEEN THE CITY OF DEKALB AND TRANSDEV SERVICES  
INC.**

This agreement (“**Amendment**”) is entered into this \_\_\_\_\_ day of May 2020 by the City of DeKalb, Illinois (“**CITY**”) and Transdev Services Inc. (“**CONTRACTOR**”), an international private public transport operator.

**SECTION I**  
**AMENDMENTS TO TRANSIT SERVICE PROVIDER AGREEMENT**

1. All capitalized terms used herein shall have the meaning ascribed to them in the Original Agreement, as modified by this Amendment.
2. Page 31, Table 1., Proposed Huskie Line Revenue Hours is amended to include the following:
  - a. The Route “8R” and “8R Fri” were removed January 1, 2019.
    - i. Reduction in Annual Revenue Hours: 651
  - b. The Route 12 was implemented on Monday, October 7<sup>th</sup>, 2019. Service operates seven days a week, 362 days per year.
    - i. Additional Vehicles Required at Peak Service: 2
    - ii. Additional Annual Revenue Hours: 1,620
    - iii. Additional Fixed Monthly Cost: \$3,260.00
  - c. The Route 19 was implemented on Monday, October 28<sup>th</sup>, 2019. Service operates Monday – Friday, year-round.
    - i. Additional Vehicles Required at Peak Service: 1
    - ii. Additional Annual Revenue Hours: 4,315
    - iii. Additional Fixed Monthly Cost: \$1,630.00
3. Page 358, Financial Requirements, is amended to include the following:
  - a. 11) Pandemic Emergency:
    - i. The CITY, at its discretion and if available, may use State or Federal funding to assist the CONTRACTOR with eligible operating expenses that may exceed the invoiced amount incurred during the invoice period if a pandemic emergency is declared. Eligible operating costs shall be determined by the Illinois Department of Transportation or the Federal Transit Administration. Eligible expenses may include:
      1. Furloughed employees’ salaries and benefits in accordance with any Federal and State requirements
      2. Items having a useful life of less than one (1) year, including personal protective equipment and cleaning supplies.
      3. Labor associated with increased cleaning efforts.
      4. Administrative leave due to a reduction in service or leave required for a quarantined worker in accordance with any Federal and State requirements
      5. Additional costs incurred beyond the invoiced revenue hour total.

Exhibit A

- ii. The CITY and the CONTRACTOR will work to determine the eligible reimbursement timeline based upon official announcements from State and Federal entities.
- iii. The CONTRACTOR shall be required to provide detailed daily, weekly, and monthly expense reports, as required, and shall include an itemized listing of all operational expenses, by department, incurred throughout the invoice period to account for additional funding requested beyond the invoiced revenue hour amount.
- iv. The CONTRACTOR shall be required to provide detailed daily, weekly, and monthly individual expense reports and supporting documentation for all furloughed employees, as well as those with reduced hours, including scheduled hours from the most recent run cut as well as the average number of weekly hours worked between December 1, 2019 – February 29, 2020, or a 90-day period requested by the CITY.
- v. The CONTRACTOR must contact the CITY and provide necessary documentation of changes or adjustments to a run cut occurring during, or because of, a pandemic emergency.
- vi. Furloughed employees of the CONTRACTOR must provide reasonable availability to work other shifts, hours, and duties as necessary for continuity of pay to be considered as an eligible reimbursement by the CITY; the CONTRACTOR must provide supporting documentation that confirms employee availability.
- vii. Reimbursement of salaries for furloughed employees will be paid at the employees' regular hourly rate.
- viii. Hazard pay, bonuses, and overtime premiums are not considered an eligible expense.
- ix. Profit is not considered an eligible expense.
- x. It is the responsibility of the CONTRACTOR to be familiar with and enforce all Federal and State requirements impacting employee paid leave rights.
- xi. The CITY retains the right to approve or deny any CONTRACTOR expense at their sole discretion.

4. Page 367, Table 1. Fixed Route Price Summary is amended to include the following:

Year	Hourly Rate	Fixed	One-Time Cost	Price (61,428 hrs)
2019 (1/1 – 9/30)	\$43.90	\$127,553	X	\$2,977,783.88
2019 (10/1 – 12/31)	\$43.90	\$130,813	X	\$1,041,530.68
2020	\$45.78	\$127,344	X	\$4,337,041.84
2021	\$46.71	\$127,344	X	\$4,394,169.88
2022	\$48.39	\$121,404	X	\$4,426,088.92
2023	\$50.03	\$113,851	X	\$4,436,194.84
Total		\$7,406,692		\$21,612,810.04

Exhibit A

**SECTION II**

**GENERAL**

1. **Binding Effect.** The Transit Service Provider Agreement, as amended by this Amendment, shall continue in full force and effect, subject to the terms and provisions thereof and hereof. In the event of any conflict between the terms of the Transit Service Provider Agreement and the terms of this Amendment, this Amendment shall control. This Amendment shall be binding upon and inure to the benefit of the City and Transdev Services Inc.
2. **Counterparts.** This Amendment may be signed in any number of counterparts, each of which shall be original, with the main effect as if the signatures thereto and hereto were upon the same instrument.

[Signature Page to Follow]

Exhibit A

**SIGNATURES**

IN WITNESS WHEREOF, THE PARTIES HERETO HAVE CAUSED THIS AMENDMENT TO BE EXECUTED BY THEIR DULY AUTHORIZED OFFICERS ON THE ABOVE DATE IN DEKALB, ILLINOIS.

**City of DeKalb**

**Transdev Services Inc.**

By:   
Mayor

By:   
Laura Hendricks, President

Attest:   
~~XXXXXX~~ Executive Assistant

By:   
Nicolas Raucourt, Vice President Finance

