Intro Res. No. 1704-2009 Laid on Table 8/4/2009
Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO 769 -2009, AUTHORIZING THE PURCHASE OF UP TO THIRTY TRANSIT BUSES FOR SUFFOLK TRANSIT INCLUDING RELATED EQUIPMENT AND AMENDING THE 2009 CAPITAL BUDGET AND PROGRAM AND ACCEPTING AND APPROPRIATING FEDERAL AID THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT (NEW CP 5657)**

**WHEREAS**, the Federal Transit Administration (FTA) provides funds for mass transportation projects; and

**WHEREAS**, Resolution Nos. 480-2007 and 957-2008 authorized the purchase of up to 55 buses for Suffolk Transit supported by FTA Grant Nos. NY-03-0448, NY-90-X558 and NY-90-X602; and

**WHEREAS**, Resolution No. 312-2009 authorized the filing for FTA Grant No. NY-96-X007 for Federal Stimulus funds at 100% Federal share which have been allocated to Suffolk County through the American Recovery and Reinvestment Act (ARRA of 2009) and said grant is expected to be awarded by the FTA on or before September 30, 2009; and

**WHEREAS**, the funds in FTA Grant No. NY-96-X007 in the amount of $9,458,585 will allow the Purchasing Division to exercise the option off the original bid for buses for the purchase of up to 30 additional transit buses; and

**WHEREAS**, the grant agreements for the Federal financial assistance impose certain obligations upon the County, and require the County to commit resources necessary to initially cover the total project costs of the grants; and

**WHEREAS**, Federal reimbursement to the County for this project will be 100% and there is therefore no cost to the County for the additional transit buses; and

**WHEREAS**, Resolution No. 471-1994, as revised by Resolution No. 461-2006, established the use of a priority ranking system, implemented in the Adopted 2009 Capital Budget, as the basis for funding capital projects such as this project; and

**WHEREAS**, the total cost of the purchase of the additional buses is estimated to be up to $9,458,585 with the Federal share amounting to 100% of the total cost; and

**WHEREAS**, sufficient funds have not been included within the 2009 Capital Budget and Program and pursuant to the Suffolk County Charter, Section C4-13, an offsetting authorization is not required on amendments which are financed in an amount of at least fifty percent (50%) by Federal and/or State Aid; now, therefore be it

1st **RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Volume 6 of the New York Code of Rules and Regulations ("NYCRR") Section 617.5 (25) and (27), in that the resolution concerns purchasing of furnishings, equipment and supplies, other than land,

radioactive materials, pesticides, herbicides or other hazardous materials, and adoption of a local legislative decision in connection with the same; as a Type II action, the Legislature has no further responsibilities under SEQRA; and be it further

2nd **RESOLVED**, that the 2009 Capital Budget and Program be and they are hereby amended as follows:

Project No. 5657
Project Title: Purchase of Equipment and Public Transit Vehicles through ARRA

| | Total Est'd. Cost | Current 2009 Capital Budget & Program | Revised 2009 Capital Budget & Program |
|---|---|---|---|
| 5. Furniture and Equipment | $9,458,585 | 0 | $9,458,585F |
| 6. TOTAL | $9,458,585 | 0 | $9,458,585 |

and be it further

3rd **RESOLVED**, that it is hereby determined that this project has been classified as a priority ranking of fifty-five (55) and is eligible for approval in accordance with the provisions of Resolution No. 471-1994, as revised by Resolution No. 461-2006; and be it further

4th **RESOLVED**, that the Purchasing Division is authorized to exercise an option off the original bid to purchase up to 30 additional transit buses including related equipment, pre and post delivery Buy America audits and inspection during manufacture for Suffolk Transit subject to grant award by the FTA and pursuant to applicable Federal regulations; and be it further

5th **RESOLVED**, that the American Recovery and Reinvestment Act Funds be and they are hereby appropriated as follows:

| Project No. | Project Title | Amount |
|---|---|---|
| 525-CAP-5657.510 | Purchase of up to thirty (30) transit buses including related equipment, pre and post delivery Buy America audits and inspection during manufacture | $9,458,585 |

and be it further

6th **RESOLVED,** that the appropriations within this resolution shall not be expended, encumbered or authorized for this project until the County is in receipt of the Federal Authorization awarding this project; and be it further

7th **RESOLVED**, that the County Treasurer and the County Comptroller are authorized to accept State and/or Federal Aid in connection with this project.

DATED: AUG 18 2009

APPROVED BY

County Executive of Suffolk County

Date: 8/28/09.

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY

*This is to Certify That I,* TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on August 18, 2009 and that the same is a true and correct transcript of said resolution and of the whole thereof.

*In Witness Whereof, I* have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

Tim Laube

Clerk of the Legislature

Intro. Res. 1704 Res. No. 769 August 18, 2009

**Motion:**
Romaine, Schneiderman, Browning, Beedenbender, Losquadro
Eddington, Montano, Alden, Lindsay, Viloria-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

**Co-Sponsors:**
Romaine, Schneiderman, Browning, Beedenbender, Losquadro
Eddington, Montano, Alden, Lindsay, Viloria-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

**Second:**
Romaine, Schneiderman, Browning, Beedenbender, Losquadro
Eddington, Montano, Alden, Lindsay, Viloria-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

| LD | Legislator | Yes | No | Abs | NP | R |
|---|---|---|---|---|---|---|
| 1 | Edward P. ROMAINE | ✓ | | | | |
| 2 | Jay H. SCHNEIDERMAN | ✓ | | | | |
| 3 | Kate M. BROWNING | ✓ | | | | |
| 4 | Brian BEEDENBENDER | ✓ | | | | |
| 6 | Daniel P. LOSQUADRO | ✓ | | | | |
| 7 | Jack EDDINGTON | ✓ | | | | |
| 9 | Ricardo MONTANO | ✓ | | | | |
| 10 | Cameron ALDEN | ✓ | | | | |
| 11 | Thomas F. BARRAGA | ✓ | | | | |
| 12 | John M. KENNEDY, JR. | ✓ | | | | |
| 13 | Lynne C. NOWICK | ✓ | | | | |
| 14 | Wayne R. HORSLEY | ✓ | | | | |
| 15 | DuWayne GREGORY | ✓ | | | | |
| 16 | Steven H. STERN | ✓ | | | | |
| 17 | Lou D'AMARO | ✓ | | | | |
| 18 | Jon COOPER | ✓ | | | | |
| 5 | Vivian VILORIA-FISHER, D.P.O. | ✓ | | | | |
| 8 | William J. LINDSAY, P.O. | ✓ | | | | |
| | Totals | 18 | | | | |

**MOTION**

X Approve
___ Table: _____
___ Send To Committee
___ Table Subject To Call
___ Lay On The Table
___ Discharge
___ Take Out of Order
___ Reconsider
___ Waive Rule ___
___ Override Veto
___ Close
___ Recess

APPROVED X FAILED ___
No Motion ___ No Second ___

**RESOLUTION DECLARED**

X ADOPTED
___ NOT ADOPTED

Roll Call ___ Voice Vote X

Tim Laube
Tim Laube, Clerk of the Legislature