

**RESOLUTION NO. 2011- 51**

**RESOLUTION FOR THE SOLE SOURCE PROCUREMENT OF PARATRANSIT SERVICES AS A COMPONENT OF KOOTENAI COUNTY'S PUBLIC TRANSIT SYSTEM FUNDED THROUGH THE FTA~~FTA PARATRANSIT PROCUREMENT WITH FIRST TRANSIT, INC.~~**

**WHEREAS**, Kootenai County had, from 2002 until December of 2010, contracted with North Idaho Community Express (hereinafter "NICE") for the provision of paratransit services utilizing FTA 5307 Grant funds; and,

**WHEREAS**, Kootenai County had, from 2002 through March 31, 2011, contracted with Panhandle Area Council (hereinafter "PAC"), for the administration, management, and oversight of Kootenai County's FTA 5307 and ARRA (2010) Grant funds and regulatory compliance with FTA requirements; and,

**WHEREAS**, Kootenai County discovered, on or about December 2010, that NICE was in violation of its agreement with the State of Idaho in NICE's performance of services under a separate but related FTA 5311 Grant and,

**WHEREAS**, Kootenai County terminated by mutual consent its contract with NICE on or about December 31, 2010; and,

**WHEREAS**, Kootenai County was preparing, in concert with PAC, for the upcoming 2011 triennial review; and,

**WHEREAS**, Kootenai County, in anticipation of its upcoming 2011 triennial review, became aware in March of 2011 that the 2008 triennial review had not yet been completed and closed-out and required FTA regulatory compliance had not been achieved; and,

**WHEREAS**, Kootenai County became aware of the fact that in addition to the failure to complete the 2008 triennial review, some of the information needed for the 2011 triennial review was not available to Kootenai County; and

**WHEREAS**, Kootenai County determined that it was in the County's best interest to end its relationship with PAC upon the expiration of the contract between PAC and Kootenai County on March 31, 2011; and,

**WHEREAS**, Kootenai County has undertaken to remedy recently discovered issues of potential non-compliance with FTA guidelines in the contracting, oversight and grant administration of the FTA ~~5307~~ Grants by hiring an employee as a full-time FTA grant administrator to replace PAC, to-wit: Christine Fueston was hired by Kootenai County on or about April ~~6~~, 2011; and,

**WHEREAS**, Kootenai County desires to continue providing public transportation services within the urbanized area of Kootenai County; and,

**WHEREAS**, it is the goal of Kootenai County to remain eligible for FTA grant funds, now and in the future, to facilitate the ongoing operations of the public transportation services within the urbanized areas of Kootenai County; and,

**WHEREAS**, it is the intent of Kootenai County to procure, for a limited and fixed time and purpose, the services of an paratransit service provider (First Transit, Inc.), previously qualified by a full and open procurement of paratransit services by Spokane Transit Authority in 2005 with a subsequent service contract dated July 1, 2005 complying with FTA regulations~~FTA approved provider of paratransit services currently authorized to provide said services within the State of Washington and for Spokane Transit Authority (First Transit, Inc.);~~ and,

**WHEREAS**, FTA Circular 4220.1F issued November 1, 2008, and revised April 14, 2009, July 1, 2010, and February 15, 2011 commonly referred to as the Third Party Contracting Guidance, requires specific protocols to be followed when FTA funds are utilized for third party contracting. Specifically, Title VIV allows for procurement through methods other than full and open competition to address unusual and compelling situations; and,

**WHEREAS**, Idaho Code section 67-2808 allows for sole source procurement in limited situations; and,

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**WHEREAS**, the procurement of paratransit services with First Transit, Inc. is needed for trial use and testing to establish data necessary for a full competitive bid in the near future; and,

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**WHEREAS**, given the particular facts surrounding the paratransit system and the history associated therewith, competitive solicitation at this point in time is impractical, disadvantageous and unreasonable under these circumstances; and

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**WHEREAS**, Kootenai County, as a result of difficulties with its previous service contractors, and through no fault of its own, finds itself in an unusual and compelling situation, to-wit: Kootenai County is presently in a position where it must immediately hire a contractor to provide paratransit services in order to stay in compliance with the FTA requirements previously agreed to by Kootenai County through its certificates and assurances and the Grant Master Agreements.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that Kootenai County finds that an unusual and compelling urgency exists that excuses compliance with full competitive bidding, and competitive solicitation at this point in time is impractical, disadvantageous and unreasonable under these circumstances to-wit: Kootenai County has previously agreed through certain certificates and assurances and grant agreements to provide complementary paratransit services, and Kootenai County's contracted paratransit service provider is no longer able to perform the paratransit services, and

Kootenai County's previous grant administrator was unable to procure the necessary paratransit services, and Kootenai County has an unusual and urgent need for the paratransit services, and procuring the necessary services through open and competitive bidding will not only harm Kootenai County [residents](#), but will additionally, potentially, and in all likelihood harm the paratransit riders of the Kootenai County public transit service, as the paratransit service would not operate.

**BE IT FURTHER RESOLVED** that Kootenai County finds the situation Kootenai County is presently faced with is not a result of Kootenai County's lack of advanced planning, to-wit: Kootenai County hired, with FTA knowledge, acquiescence and funding, a grant administrator as well as paratransit providers to provide the necessary services. Through no fault of Kootenai County's, and without any prior knowledge to Kootenai County, the services were necessarily terminated and resulted in Kootenai County's need to procure paratransit services on a temporary short-term basis. Further, as a result of NICE's failure to fully document its services, Kootenai County is without the requisite factual information to begin the competitive bidding process and intends to acquire the needed information through a six month short-term paratransit contract with a [paratransit service provider \(First Transit, Inc.\), previously qualified by a full and open procurement of paratransit services by Spokane Transit Authority in 2005 with a subsequent service contract dated July 1, 2005 complying with FTA regulations. a FTA approved provider of paratransit services currently authorized to provide said services within the State of Washington and for Spokane Transit Authority \(First Transit, Inc.\)](#). The information gathered through the services provided by First Transit, Inc. will be utilized to create bid documents with the necessary specificity to ensure full, fair, [open](#) and competitive bidding for the necessary services to provide paratransit within the urbanized area of Kootenai County.

**BE IT FURTHER RESOLVED** that Kootenai County will, based upon the foregoing, Procure the services of a paratransit contractor without full competitive bidding, but will endeavor to procure the requisite services in a manner and for a price that guarantees the continuation of paratransit services within Kootenai County and for a cost that is economically feasible, fiscally responsible and within the economic limitations of the existing grant structure.

**BE IT FURTHER RESOLVED** that Kootenai County hereby adopts this Resolution to memorialize its justification (in writing) for procuring ~~the services of an FTA approved provider of paratransit services currently authorized to provide said services within the State of Washington and for Spokane Transit Authority,~~ with First Transit, Inc., without full competitive bidding, but within the allowable exceptions thereto found in sections of Section IV of FTA Circular 4220.1F, as conveyed to Kootenai County by the FTA, and in [Idaho Code section 67-2808](#).

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Upon a motion to adopt the text of the foregoing Resolution made by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, the following vote was recorded:

Commissioner Nelson:

Commissioner Green:  
Chairman Tondee:

Upon said roll call, the text of the foregoing was duly enacted as a Resolution of the Board of Commissioners of Kootenai County, Idaho, on the \_\_\_\_\_ day of May, 2011.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

**KOOTENAI COUNTY  
BOARD OF COMMISSIONERS**

**ATTEST:  
CLIFFORD T. HAYES, CLERK**

\_\_\_\_\_  
W. Todd Tondee, Chairman

By: \_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
Daniel H. Green, Commissioner

\_\_\_\_\_  
Jai Nelson, Commissioner

