RESOLUTION 2021-037 **PASSED: APRIL 26, 2021**

AUTHORIZING A SECOND AMENDMENT TO THE TRANSIT SERVICE PROVIDER AGREEMENT WITH TRANSDEV SERVICES, INC.

WHEREAS, the City of DeKalb (the "City") is a home rule unit of local government which may exercise any power and perform any function pertaining to its government and affairs pursuant to Article VII, Section 6, of the Illinois Constitution of 1970; and

WHEREAS, on November 13, 2018, the City's corporate authorities approved a transit service provider contract to provide public transit services in the DeKalb Urbanized Area with Transdev Services Inc. (the "Agreement"); and

WHEREAS, on May 26, 2020, the City's corporate authorities approved an amendment to the Agreement (the "First Amendment"); and

WHEREAS, City staff and Transdev Services Inc. negotiated a second amendment to the Agreement in the same or substantially similar form as Exhibit A attached hereto and incorporated herein (the "Second Amendment"); and

WHEREAS, the City's corporate authorities find that approving the Second Amendment is in the City's best interests and promotes the public health, safety and welfare; and

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

SECTION 1: The City's corporate authorities approve the Second Amendment to the Agreement with Transdev Services Inc. in the same or substantially similar form as Exhibit A attached hereto and incorporated herein, and further authorize and direct the Mayor or City Manager to execute, and for the City Clerk or Executive Assistant to attest, the Second Amendment.

SECTION 2: This resolution shall be in full force and effect from and after its passage and approval as provided by law.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a Regular meeting thereof held on the 26th day of April 2021 and approved by me as Mayor on the same day. Passed by an 8-0 roll call vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: None.

ATTEST:

RUTH A. SCOTT, Executive Assistant

JERRY SMITH, Mayor

CITY OF DEKALB STATE OF ILLINOIS

EXHIBIT A
(Second Amendment to TransDev Agreement)

Exhibit A

SECOND 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 26th day of April 2021 by the City of DeKalb, Illinois (**"CITY"**) and Transdev Services, Inc. (**"CONTRACTOR"**), a Maryland corporation.

SECTION I
SECOND AMENDMENT 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 11 began operating overnight service on Monday, November 2, 2020. Service operates seven days a week, 362 days a year.
        i. Additional Vehicles Required: 1
        ii. Additional Annual Revenue Hours: 2,838
        iii. Additional Fixed Monthly Costs: $6,846.86
        iv. Increased Monthly Fixed Fee to account for need to operate service 24 hours a day; service did not previously operate 24 hours per day.
        v. Table below identifies the associated annual fixed and variable hourly rate to operate the overnight service through December 31, 2023:

Overnight Service	**2020**	**2021**	**2022**	**2023**
Monthly Fixed Fee	$6,846.86	$6,887.93	$7,063.34	$7,257.04
Variable Hourly Rate	$48.86	$49.93	$51.28	$52.77

3. Page 357, Financial Requirements, is amended to include the following:
    a. 4)c) The CITY shall provide the CONTRACTOR up to an additional $4 per revenue hour beyond the proposed rate included on Page 367 to implement the following wage structure effective July 1, 2021:

Length of Service	***7/1/2021***	***1/1/2022***	***1/1/2023***
0 – 12 Months	$17.00	$17.25	$17.50
12 – 24 Months	$17.50	$17.75	$18.00
24 – 36 Months	$18.00	$18.25	$18.75
36 – 48 Months	$18.50	$18.75	$19.25
48 – 60 Months	$20.00	$20.25	$20.75
60+ Months	$20.50	$20.75	$21.25

b. 4)d) the CONTRACTOR may only utilize the additional funding to support the CITY proposed wage structure and associated fringe benefits for eligible employees, including bus operators and operational support staff.
c. 4)e) the CONTRACTOR shall not incur an increase in profit from the additional Hourly Rate provided by the CITY.
d. 4)f) The CONTRACTOR shall submit monthly and quarterly reports to the CITY identifying the use of additional funding provided beyond the proposed Hourly Rate on Page 367, Table 1, and to confirm the appropriate usage of the funding.

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

Year	Transdev Proposed Hourly Rate	City Wage Structure Hourly Funding	Fixed	Price (58,861 hrs)
2021	$46.71	$50.71	$127,344	$4,512,969.31
2022	$48.39	$52.39	$121,404	$4,540,575.79
2023	$50.03	$54.03	$113,851	$4,544,850.93
Total	X	X	$4,351,188	$13,598,396.03

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

By: _____
Mayor

Attest:

_____
~~City Clerk~~ Executive Assistant

Transdev Services, Inc.

By: _____
William Spraul, Regional Vice President

_____
Bartlomiej Kowalczyk, Regional Controller