

ORDINANCE NO. 20-173

AN ORDINANCE AUTHORIZING AND DIRECTING PAYMENT TO FOXSTER OPCO, LLC D.B.A. CTS SOFTWARE OF SWANSBORO, NORTH CAROLINA, FOR THE TRIPMASTER DISPATCHING SOFTWARE MAINTENANCE & SUPPORT FEES FOR THE SANDUSKY TRANSIT SYSTEM FOR THE PERIOD OF NOVEMBER 1, 2021 THROUGH OCTOBER 31, 2023; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, this City Commission authorized the filing of a grant application with the Ohio Department Of Transportation through the US DOT Federal Transit Administration (FTA) for the FY Transportation Investment Generating Economic Recovery (TIGER) Discretionary Program Grant for the Sandusky Transit System by Resolution No. 019-17R, passed on March 27, 2017, and subsequently the City was awarded funds in the amount of \$149,455.00; and

WHEREAS, these awarded funds were used for the purchase of software licenses and hardware equipment, services for data acquisition, conversion, and installation of the scheduling and dispatching software; and

WHEREAS, the City Commission authorized the City Manager to enter into software license and services agreements with Foxster Solutions, Inc., DBA CTS Software of Swansboro, North Carolina, for scheduling and dispatching software and services for use by the Sandusky Transit System by Ordinance No. 18-104, passed on May 14, 2018; and

WHEREAS, the agreement with Foxster Opco, LLC, dba CTS Software was effective February 6, 2018, for an initial term of five (5) years with five (5) one (1) year extensions and included a maintenance and support services for a period of three (3) years and the costs were paid with TIGER grant funds in the amount of \$149,455.00 and City Transit Capital Replacement Funds in the amount of \$1,000.00; and

WHEREAS, ODOT recently notified the City that there are excess TIGER grant program funds available and have reallocated a portion of those funds to cover the 4th and 5th years of software maintenance and support for the TripMaster Software; and

WHEREAS, the total cost of the annual support and maintenance fees for the period of November 1, 2021, through October 31, 2023, is \$49,440.00, which includes an annual discount of \$1,800.00 pursuant to the original agreement, and will initially be paid with Transit funds and then reimbursed from ODOT with TIGER grant funds; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to immediately make payment to Foxster Solutions, Inc., DBA CTS Software so the City can be reimbursed and the TIGER grant funds can be expended in a timely manner as requested by ODOT; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Sandusky Transit System, of the City of

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Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. This City Commission hereby authorizes and directs the City Manager and/or Finance Director to make payment to Foxster Solutions, Inc., DBA CTS Software of Swansboro, North Carolina, for the maintenance and support fees for the Sandusky Transit System's TripMaster dispatching software for the period of November 1, 2021, through October 31, 2023, in an amount **not to exceed** Forty Nine Thousand Four Hundred Forty and 00/100 Dollars (\$49,440.00).

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter upon its passage, and its due authentication by the President, and the Clerk of the City Commission of the City of Sandusky, Ohio.



RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION



ATTEST:

MCKENZIE E. SPRIGGS
CLERK OF THE CITY COMMISSION