



The Municipal Corporation of the Town of Fort Erie

By-law No. 143-2019

Being a By-law to Authorize the Entry into an Amending Agreement with Tokmakjian Inc. for the Provision of Conventional Public Transit Service

Whereas the Town of Fort Erie and Tokmakjian Inc. entered into an Agreement dated September 14, 2012 and authorized by By-law No. 46-12, wherein Tokmakjian Inc. agreed to deliver conventional public transit services for the Town of Fort Erie (the "Agreement"); and

Whereas the Agreement has an Initial Term of five (5) years, expiring on September 30, 2017; and

Whereas the Agreement has automatically renewed for a further three (3) year term commencing October 1, 2017 and expiring on September 30, 2020 in accordance with Section 1.2 of the Agreement; and

Whereas the Town of Fort Erie and Tokmakjian Inc. entered into an Extension and Amending Agreement dated September 5, 2017 and authorized by By-law No. 88-2017, wherein Tokmakjian Inc. agreed to deliver conventional public transit services for the Town of Fort Erie (the "Extension and Amending Agreement"); and

Whereas Report No. IS-33-2019, was considered and approved at the Council-in-Committee Meeting held on September 16, 2019 to enter into an Amending Agreement with Tokmakjian Inc. to add a new route running in the counter clockwise direction along the existing East Route and to reduce the service hours and bus size of the North Route; and

Whereas it is deemed desirable to enter into an Amending Agreement with Tokmakjian Inc. for the provision of conventional public transit services;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the entry into an Amending Agreement with Tokmakjian Inc. to add a new route running in the counter clockwise direction along the existing East Route and to reduce the service hours and bus size of the North Route, in the form of Schedule "A" attached to and forming part of this by-law, is authorized and approved.
2. **That** the Mayor and Clerk are authorized and directed to execute the Amending Agreement and to affix the corporate seal thereto.

3. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 21st day of October, 2019.

Mayor

Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No.143-2019 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20

THIS AMENDING AGREEMENT
made as of the 4th day of November, 2019.

BETWEEN:

THE CORPORATION OF THE TOWN OF FORT ERIE
(hereinafter called the "Town")

-and-

TOKMAKJIAN INC.
a body corporate with it's office at
221 Caldari Road, Concord, Ontario, L4K 3Z9
(hereinafter called "Transit Operating Contractor")

WHEREAS:

1. The Town and the Transit Operating Contractor entered into an Agreement dated September 14, 2012 and authorized by By-law No. 46-12, wherein the Transit Operating Contractor agreed to deliver public transit services for the Town of Fort Erie (the "Agreement"); and
2. The Agreement automatically renewed for a further three (3) year term commencing October 1, 2017 and expiring on September 30, 2020 (the "Extended Term") in accordance with Section 1.2 of the Agreement; and
3. Report No. IS-20-2017 was considered at the Council-in-Committee Meeting held on July 17, 2017, and subsequently authorized and approved by Council to approve a quotation from the Transit Operating Contractor for the provision of expanded services for the extended term; and
4. The Municipal Council of the Town passed By-law No. 88-2017 on August 28, 2017 to authorize the entry into an Amending Agreement with the Transit Operating Contractor to address the expanded service and related costs; and
5. Report No. IS-33-2019, was considered and approved at the Council-in-Committee Meeting held on September 16, 2019 to enter into an Amending Agreement with the Transit Operating Contractor to add a new route running in the counter clockwise direction along with the existing East Route and to reduce the service hours and bus size of the North Route; and
6. The Municipal Council of the Town passed By-Law 143-2019 on October 21, 2019 to authorize the entry into an Amending Agreement with the Transit Operating Contractor to address the expanded East Route service and reduced North Route service and related costs;

NOW THEREFORE in consideration of the mutual covenants contained in the Agreement, and other good and valuable consideration, the parties covenant and agree as follows:

1. Appendix "A" (Service Route and Schedule) to the Agreement is replaced with Appendix "A" attached hereto.
2. Appendix "D" (Transit Operating Contractor's Proposal for Three (3) Contract Extension with Service Improvements), to the Agreement is replaced with Appendix "D" (Provision of Contracted Public Transit Service Calculation of Contract Remuneration for the Period of October 1, 2019 to September 30, 2020) attached hereto.
3. Subsection 3.1 (Contract Documents) of the Agreement is replaced with the following:

"3.1 The Contract Documents are comprised of the following:

- (a) The Amending Agreement made as of November 4, 2019;
- (b) The Amending Agreement made as of September 5, 2017;
- (c) The Provision of Contracted Public Transit Service Calculation of Contract Remuneration for the Period of October 1, 2019 to September 30, 2020, attached hereto as Appendix "D";
- (d) The Fare Structure (Amended) attached hereto as Appendix "E";
- (e) The Service Route and Schedule, attached hereto as Appendix "A";
- (f) This Agreement;
- (g) The Request for Proposal, attached hereto as Appendix "B"; and
- (h) The Transit Operating Contractor's Proposal dated November 15, 2011 (the "Proposal"), attached hereto as Appendix "C".

4. Section 4.1 (b) (Contract Remuneration) of the Agreement is replaced with the following:

"(b) The remuneration for the period of October 1, 2019 to September 30, 2020 shall be based on the remuneration provided in the Provision of Contracted Public Transit Service Calculation of Contract Remuneration for the Period of October 1, 2019 to September 30, 2020 attached as Appendix "D" to this Agreement. For greater clarity, the remuneration for the period of October 1, 2019 to September 30, 2020 shall be \$973,405.00 including HST, and adjusted to reflect the Fuel Cost Adjustment calculated in accordance with Subsection 4.2 below."

5. All other terms and conditions of the Agreement to remain the same mutatis mutandis.

IN WITNESS WHEREOF the parties have affixed their corporate seals, attested by the hand of its duly authorized officers.

TOKMAKJIAN INC.

Per: 

Ajay Mehra, Chief Operating Officer

c/s

I have authority to bind the corporation.

**THE CORPORATION OF THE
TOWN OF FORT ERIE**

Per: _____

Wayne H. Redekop, Mayor

Per: _____

Carol Schofield, Clerk

We have authority to bind the corporation.

APPENDIX "A" - Service Route and Schedule

												Internal Stop Name	
												MUNICIPAL CENTRE	1
												Municipal Centre @ Garrison Road	2
												Garrison Road @ Buffalo Road	3
												Garrison Road @ Oystertown Drive	4
												Garrison Road @ Crescent Road	5
												Garrison Road @ Spears Road	6
												Smart Centre (Walmart/No Frills)	7
												Thompson Road @ Industrial Drive	8
												Thompson Road @ Bowyer Road	9
												Highway Street @ Borden Court	10
												Charles Street @ Phillips Street	11
												Leahy Street @ Highland Avenue	12
												Brown Road @ Abner Place	13
												Highway Road @ Central Avenue	14
												Central Avenue @ Lincolnton Avenue	15
												Central Avenue @ Jarvis Street SB	16
												Central Avenue @ Woodman Street	17
												Central Avenue @ Glenora Road SB	18
												Glenora Road @ Sunset Street	19
												Lawrence Street @ Main Street	20
												Lawrence Street @ Central Avenue	21
												Lawrence Street @ High Street	22
												Lawrence Street @ Niagara Road	23
												Walmart @ Lawrence Street	24
												Lawrence Street @ High Street	25
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												Lawrence Street @ Central Avenue	96

MONDAY TO SATURDAY

#751 - EAST GREEN LINE

Internal Stop Name	Stop #
MUNICIPAL CENTRE	1
Municipal Centre @ Gertzel Road	2
Larsson Road @ Buffalo Road	3
Larsson Road @ Dayman Drive	4
Larsson Road @ Crescent Road	5
Crescent Road @ Orchard Avenue	100
Orchard Road @ Woodside Court	101
Crescent Road @ Phillips Street	102
Phillips Street @ L'Amour Road	103
Mykang Drive @ Phillips Street	104
Mykang Drive @ Englewood Avenue	105
L'Amour Drive @ Dominion Road	106
Englewood Road @ L'Amour Road	107
Dominion Road @ Fanning Road	108
Mykang Road @ Beachview Avenue	109
Beachview Road @ Helena Street	110
Mykang Street @ Albert Street	111
Mykang Street @ Ferguson Avenue	112
Mykang Street @ Louisa Street	113
Mykang Street	114
Mykang Road @ Legion Way	115
Mykang Road @ King Street	116
Mykang Road @ Canadian Tire	117
International Plaza (Sebey's)	118
Garrison Road @ Watson Boulevard	119
Watson Road @ Thompson Road	120
Sebey's Centre (Walmart/Pharmat)	30
Fort Erie Race Track	121
Fort Erie Street @ DMH Urgent Care	122
Fort Erie Street @ Central Avenue	123
Highway 104 @ High Street	124
Highway 104 @ Princess Street	125
Highway 104 @ Highway 104	126
Highway 104 @ High Street	127
Highway 104 @ Central Avenue	128
Highway 104 @ Aberdeen Street	129
Highway 104 @ Fort Erie Street	130
Highway 104 @ Fort Erie Public Library - Centennial Branch	131
Highway 104 @ Wilmot Street	132
Highway 104 @ Jarvis Street NB	133
Highway 104 @ Enderby Avenue	134
Highway 104 @ Central Avenue	135
Highway 104 @ Central Avenue	136
Highway 104 @ Alton Place	137
Highway 104 @ Highway 104	138
Highway 104 @ Phillips Street	139
Highway 104 @ Docks Court	140
Highway 104 @ Bowens Road	141
Highway 104 @ Industrial Drive	142
Highway 104 (Walmart/Pharmat)	30
Highway 104 @ Mykang Avenue	143
Highway 104 @ Beaver Road	144
Highway 104 @ Pettit Road	145
MUNICIPAL CENTRE	1

Time 1:20

#760 - West Yellow Line

STOP NAME	1	2	3	200	104	105	106	201	300	301	302	303	304	220	Arena/Library	Ridge Rd. 5 @ Rebsstock Rd.	Rebsstock Rd. @ Ridgeway Rd.	Rebsstock Rd. @ Schooley Rd.	Lakewood Ave. @ Small's Rd.	Lakewood Ave. @ Erie Rd.	Erie Rd. @ Schoolly Rd.-Bay Beach	Erie Rd. @ Elmwood Ave.	Erie Rd. @ Derby Rd.	Ridgeway Rd. @ Erie Rd.	Ridgeway Rd. @ Roxborough Ave	Rebsstock Rd. @ Ridgeway Rd.	Ridgeway Rd. @ Wellington Rd.	Farr Ave. @ Park St.	Ridge Rd. @ Connection Dr.	Ridge Rd. @ Disher St.	Gorham Rd. @ Disher St.	Dominion Rd. @ Gotham St.	Dominion Rd. @ Ridge Rd. EB	Dominion Rd. @ Buffalo Rd.	Dominion Rd. @ Daytona Dr.	Daytona Dr. @ Englewood Ave.	Daytona Dr. @ Phillips St.	Buffalo Rd. @ Friendship Centre	Arriving @ Municipal Centre
STOP ID	1	2	3	200	104	105	106	201	300	301	302	303	304	220	305	312	311	211	212	213	214	215	216	217	218	313	314	315	316	317	318	319	320	226	227	46	47	228	1
↑									6:08	6:09	6:10	6:11	6:13	6:14	6:14	6:14	6:15	6:15	6:16	6:17	6:18	6:19	6:20	6:21	6:21	6:21	6:22	6:23	6:24	6:25	6:26	6:27	6:28	6:35	6:36	6:37	6:38	6:39	6:40
↑	6:56	6:57	6:59	7:00	7:01	7:02	7:05	7:05	7:07	7:08	7:09	7:10	7:11	7:13	7:14	7:14	7:15	7:15	7:16	7:17	7:18	7:19	7:20	7:21	7:21	7:21	7:22	7:23	7:24	7:25	7:26	7:27	7:28	7:35	7:36	7:37	7:38	7:39	7:40
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↑	19:55	19:56	19:57	19:59	20:00	20:01	20:02	20:05	20:07	20:08	20:09	20:10	20:11	20:13	20:14	20:14	20:15	20:15	20:16	20:17	20:18	20:19	20:20	20:21	20:21	20:21	20:22	20:23	20:24	20:25	20:26	20:27	20:28	20:35	20:36	20:37	20:38	20:39	20:40

Monday to Friday Service Starts at 6:07 am Saturday Service Starts at 6:55 am

770 - North Red Line

[illegible]

APPENDIX "D" - Provision of Contracted Public Transit Service Calculation of Contract Remuneration for the Period of October 1, 2019 to September 30, 2020

10/4/2019:54 PM

Tokmakjian Inc.

Town of Fort Erie - Provision of Contracted Public Transit Service

Calculation of Contract Remuneration for the Period of October 1, 2019 to September 30, 2020

[A] Calculation of Remuneration for the period of October 1, 2019 to November 3, 2019:

[based on existing service levels of 13,241 annualized service hours prior to service Improvement effective November 4, 2019]

Route & Bus No. Weekdays	Start Time	End Time	Extended End Time	Daily Hours	No. of Weekdays or Saturdays	Total Service Hours
Route EAST - Bus 1	6:04 AM	7:45 PM	8:48 PM	14.73	23	339
Route WEST - Bus 2	6:09 AM	8:00 PM	8:43 PM	14.57	23	335
Route NORTH - Bus 3	6:16 AM	7:30 PM	8:46 PM	14.50	23	334
Saturdays						
Route EAST - Bus 1	6:04 AM	7:45 PM	8:48 PM	14.73	5	74
Route WEST - Bus 2	6:55 AM	8:00 PM	8:43 PM	13.80	5	69
Route NORTH - Bus 3	6:55 AM	7:30 PM	8:46 PM	13.85	5	69
Total Service Hours =						1,219
Service Hourly Rate = \$						65.62
Total Remuneration: October 1, 2019 to November 3, 2019 (Incl. HST) =						\$ 80,010 [C]

[B] Calculation of Remuneration with Service Improvement effective November 4, 2019 to September 30, 2020:

Route & Bus No. Weekdays	Start Time	End Time	Extended End Time	Daily Hours	No. of Weekdays or Saturdays	Total Service Hours
Route EAST Blue Line - Bus 1	6:05 AM	8:49 PM	-	14.73	228	3,358
Route EAST Green Line - Bus 2	6:25 AM	8:19 PM	-	13.90	228	3,169
Route WEST Yellow Line - Bus 3	6:07 AM	8:40 PM	-	14.55	228	3,317
Route NORTH Red Line - Bus 4	8:55 AM	4:46 PM	-	7.85	228	1,790
Saturdays						
Route EAST Blue Line - Bus 1	6:05 AM	8:49 PM	-	14.73	47	692
Route EAST Green Line - Bus 2	6:25 AM	8:19 PM	-	13.90	47	653
Route WEST Yellow Line - Bus 3	6:55 AM	8:40 PM	-	13.75	47	646
Route NORTH Red Line - Bus 4	8:55 AM	4:46 PM	-	7.85	47	369
Total Service Hours =						13,996
Service Hourly Rate = \$						65.62
Total Remuneration: November 4, 2019 to September 30, 2020 (Incl. HST) =						\$ 918,395 [D]

[C] Calculation of Remuneration from October 1, 2019 to September 30, 2020:

Total Remuneration for the Period of October 1, 2019 to November 3, 2019 = \$ 80,010 [C] above

Total Remuneration for the Period of November 4, 2019 to August 31, 2020 = 918,395 [D] above

Less: estimated cash fares collected above the "base" = (25,000)

Total Remuneration for Service Improvements: October 1, 2019 to September 30, 2020 (Incl. HST) = \$ 973,405 [R] = [C] + [D]

Current annual remuneration based on existing service levels of 13,241 service hours as of October 1, 2019 (Incl. HST) = \$ 843,886 [T]

Increase in Remuneration with Service Improvements effective November 4, 2019 (Incl. HST) = \$ 129,519 [R] - [T]