

12328

TO: Board of Acquisition and Contract

FROM: John J. Hsu, PE
Commissioner of Public Works

Joseph A. Stout
Commissioner of Parks, Recreation and Conservation

DATE: June 17, 2010

SUBJECT: Authorization to enter into a Customer Installation Commitment Agreement with the New York Power Authority (NYPA) for the Westchester County Center Lighting Upgrades (Agreement No. 10-925)

The County of Westchester purchases electricity for its own use from the Power Authority of the State of New York, also known as the New York Power Authority ("NYPA"). The Agreement under which the County purchases such electricity provides, among other things, that NYPA and the County will work in partnership to identify energy efficiency projects and clean energy technology projects at County facilities and will undertake such projects as are deemed economically feasible and agreeable to the parties.

On May 29, 2008 your Honorable Board authorized the County to enter into an agreement with NYPA for the study and design of Energy Efficiency and Clean Energy Projects at various County facilities for the period July 1, 2008 through June 30, 2013 (hereinafter the "EECEP Agreement"). The project work may be performed through the services of qualified contractors or subcontractors or NYPA may itself act as contractor. Pursuant to the terms of the EECEP Agreement and the authorization granted by your Honorable Board, if the County determines to proceed with the construction of any project and to retain NYPA's services in connection with the project, the County must enter into a separate Customer Installation Commitment agreement with NYPA for each approved project (hereinafter the "CIC Agreement"). The aforesaid CIC Agreements and their funding are subject to your Honorable Board's approval.

The County has identified the Westchester County Center as a facility to be renovated with new energy efficient lighting systems and seeks to retain the services of NYPA. Pursuant to the EECEP Agreement, the County and NYPA must enter into a CIC Agreement for this project. Services to be performed by NYPA will include, but not be limited to, preparation of a feasibility report, design, construction management, equipment procurement, installation, disposal of waste, and financing.

NYPA's recommendations at the Westchester County Center consist of, but are not limited to, the installation of new lighting systems and exit signs, the installation of occupancy sensors as necessary, and replacement of the existing dimming systems. The work will be completed at a cost of \$518,497.00, which will be paid by the County over a period of ten (10) years with an associated financing cost of \$111,453.00, for a total not to exceed amount of \$629,950.00. The cost of the project will be offset by the estimated annual savings of \$67,682.00.

The CIC Agreement addresses the County Executive's priority areas of Health and Environment and Fiscal Responsibility. If the work contemplated in connection with this resolution is not addressed at this time, the existing lighting systems will continue to waste energy. By implementing the upgrades to the facility's lighting systems, it will reduce the County's utility costs, improve energy efficiency, and help reduce the County wide carbon footprint. Without this project, the existing conditions will adversely affect the County's goal of conserving energy and unnecessarily burden the taxpayer with additional costs.

The Department will utilize Primavera Software Management tools to track scheduling and accomplishments by NYPA and perform on-site inspections to ensure the successful completion of the work under the aforementioned Agreements. It is recognized and understood that the County shall evaluate the performance of these Agreements by NYPA and shall use such evaluation in deciding to award future contracts to NYPA.

This agreement is exempt from the procedures of the Procurement Policy under Section 3(a)(iii) of said policy.

Your approval of the attached resolution is respectfully requested.

APPROVED BOARD OF ACQUISITION & CONTRACT - 8-5-2010 - JOMAR VILBERT, SECRETARY

RESOLUTION

Upon communication from the Commissioner of Public Works and the Commissioner of Parks, Recreation and Conservation, be it hereby

RESOLVED, that the County has identified the Westchester County Center as a facility to be renovated with new energy efficient lighting systems and accordingly seeks to enter into a Customer Installation Commitment (“CIC”) Agreement with the New York Power Authority (“NYPA”) for this project. Under the terms of the CIC Agreement, NYPA will be responsible for a feasibility report, design, construction management, equipment procurement, installation, and financing in connection with the Westchester County Center Lighting Upgrades project. The work will be completed at a cost of \$518,497.00, which will be paid by the County over a period of ten (10) years with an associated financing cost of \$111,453.00, for a total not to exceed amount of \$629,950.00. The cost of the project will be offset by the estimated annual savings of \$67,682.00; and be it further

RESOLVED, that this Agreement is subject to County appropriations; and be it further

RESOLVED, that this Agreement is also subject to further financial analysis of the impact of any New York State Budget (the “State Budget”) proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Contractor, then the Contractor shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized and empowered to execute any and all documents necessary or appropriate to effectuate the purposes hereof.

Agreement No. 10-925

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub Object	Trust Account	Dollars
<i>For Each of 10 Years</i>	165	42	7150	3200-GGDS		\$ 62,995.00
					Total:	\$ 629,950.00

Budget Funding Year(s): 2011-2021 Start Date: 07/01/08 End Date: 12/31/21
 (must match resolution)

Funding Source: Tax Dollars: 100% County Contractor Federal I.D. No./
 State Aid: _____ Social Security No.: _____
 \$ 629,950.00 Federal Aid: _____ Vendor No.: _____
 (must match resolution) Other: _____ Encumbrance No.: _____