

12748

**TO:** Board of Acquisition and Contract  
**FROM:** John J. Hsu, P.E.  
Commissioner of Public Works  
**DATE:** July 1, 2010  
**SUBJECT:** Resolution to Award to the Low Bidder  
Contract No. 10-201  
Countywide Maintenance Service  
Large Air Conditioning Systems  
(Larger Than 50 Tons)  
Various Locations  
Westchester County, New York  
**Contractor:** Johnson Controls, Inc.  
**Amount:** \$1,423,920.00

On May 12, 2010, two (02) bids were received and opened for Contract No. 10-201 for Countywide Maintenance Service, Large Air Conditioning Systems (Larger Than 50 Tons), Various Locations, Westchester County, New York.

Only two (02) contractors submitted bids because the project requires special testing equipment and experience along with manufacturers' certifications to perform inspections, preventive maintenance and emergency call back services for air conditioning systems larger than 50 tons located at various County facilities. The Department has canvassed potential bidders and there are a limited number of contractors that are both certified and equipped to perform this type of specialty work. This project was advertised on the Hudson Valley Municipal Purchasing Group ("HVM") website, in addition to the Journal News (Southern Edition), and was viewed by 16 entities on the HVM website. In addition, e-mails were sent to those 16 entities and to an additional 131 suppliers and contractors. This contract is crucial to maintaining large air conditioning systems for continuous and uninterrupted operation.

The bids were reviewed by the Department and it was determined that Johnson Controls, Inc. submitted the low bid in the amount of \$1,423,920.00.

The low bidder has been investigated and it has been found that Johnson Controls, Inc.:

- Performed satisfactory work in the past for the County.  
 Past experience has been investigated and found satisfactory.

Funds for this project are available in the:

- Capital Budget  
 Non-Recurring Budget  
 Operating Budget

The objective of this contract is to maintain large air conditioning and refrigeration equipment for continuous and uninterrupted operation.

This contract is in the public's best interest because it will promote the health and safety of the general public by maintaining air conditioning within specified parameters.

The project will provide energy savings by maintaining large air conditioning and refrigeration equipment within operating specifications, thus addressing the County Executive's priority area: Health and the Environment (HE).

If this resolution is not approved, failures in large air conditioning and refrigeration systems could require costly emergency repairs.

As expenditures are made pursuant to this authorization, detailed records will be kept in the County's on-line financial system. These records will be easily accessible by Finance, Budget and department staff and will be reviewed regularly to ensure that funds are used appropriately.

It is my recommendation that Contract No. 10-201 be awarded to Johnson Controls, Inc. in the amount of \$1,423,920.00, subject to appropriations.

This resolution has been reviewed by the Law Department.

APPROVED BOARD OF ACQUISITION & CONTRACT 7-22-2010 - JOHANNY VEIRA, SECRETARY

# RESOLUTION

## CONTRACT NO. 10-201

Upon communication from the Commissioner of Public Works, be it

**RESOLVED**, that Contract No. 10-201 for Countywide Maintenance Service, Large Air Conditioning Systems (Larger Than 50 Tons), Various Locations, Westchester County, New York be and is hereby awarded to the low bidder, Johnson Controls, Inc., 8 Skyline Drive, Hawthorne, New York 10532, in the amount of \$1,423,920.00; and be it further

**RESOLVED**, that this contract 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 authorized designee is hereby authorized and empowered to execute any and all documents necessary or appropriate to effectuate the purposes hereof.

| Account to be Charged/Credited | Fund | Dept. | Major Program, Program & Phase Or Unit | Object/ Sub Object | Trust Account | Dollars             |
|--------------------------------|------|-------|--|--------------------|---------------|---------------------|
|                                | 101  | 46    | 3200                                   | 4380               |               | \$96,363.00 (2010)  |
|                                | 101  | 46    | 3300                                   | 4380               |               | \$ 6,624.33 (2010)  |
|                                | 101  | 46    | 3400                                   | 4380               |               | \$55,226.00 (2010)  |
|                                |      |       |  |                    |               |                     |
|                                | 101  | 46    | 3200                                   | 4380               |               | \$289,089.00 (2011) |
|                                | 101  | 46    | 3300                                   | 4380               |               | \$ 19,873.00 (2011) |
|                                | 101  | 46    | 3400                                   | 4380               |               | \$165,678.00 (2011) |
|                                |      |       |  |                    |               |                     |
|                                | 101  | 46    | 3200                                   | 4380               |               | \$289,089.00 (2012) |
|                                | 101  | 46    | 3300                                   | 4380               |               | \$ 19,873.00 (2012) |
|                                | 101  | 46    | 3400                                   | 4380               |               | \$165,678.00 (2012) |
|                                |      |       |  |                    |               |                     |
|                                | 101  | 46    | 3200                                   | 4380               |               | \$192,726.00 (2013) |
|                                | 101  | 46    | 3300                                   | 4380               |               | \$ 13,248.67 (2013) |
|                                | 101  | 46    | 3400                                   | 4380               |               | \$110,452.00 (2013) |

**Budget Funding Year(s)** 2010-2013  
(must match resolution)

**Start Date:** September 1, 2010

**End Date:** August 31, 2013

**Funding Source:** Tax Dollars 100% County

**Contractor Federal I.D. No./  
Social Security No.:** 39-0380010

**State Aid** \_\_\_\_\_

\$1,423,920.00  
(must match resolution)

**Federal Aid** \_\_\_\_\_

**Vendor No.:** \_\_\_\_\_

**Other** \_\_\_\_\_

**Encumbrance No.:** \_\_\_\_\_