

28938

TO: Board of Acquisition and Contract
FROM: Jay T. Pisco, PE
Commissioner of Public Works and Transportation
DATE: August 22, 2012
SUBJECT: First Amendment to Customer Installation Commitment Agreement No. 10-928
with the New York Power Authority in connection with the Building Management
System Upgrade

Authority of your Honorable Board is requested to amend the existing Customer Installation Commitment ("CIC") Agreement between the County of Westchester and the New York Power Authority ("NYPA"), 123 Main Street, White Plains, New York 10601. The original CIC Agreement approved by your Honorable Board on August 26, 2010, was for the preparation of a feasibility report, design, construction management, equipment procurement, installation, and financing in connection with the Building Management System Upgrades at the New Jail and Headquarters Building at the Norwood E. Jackson Correctional Center; Woodfield Cottage and the Radio Tower Control Building in Valhalla, New York; and the Richard J. Daronco Courthouse Tower in White Plains, New York.

During the construction phase, several field conditions were uncovered that included undocumented and defective devices which could not reasonably be anticipated during the field investigation and design phases. In addition, the Department of Public Works and Transportation requested additional work based on their observations and prior experience with the Building Management System. NYPA evaluated and concurred that the additional work be implemented since these items are critical and necessary for the performance of the Building Management System in light of their current condition, life cycle costs, and energy efficiency.

It is therefore requested that the existing CIC Agreement be amended to provide for additional work including, but not limited to, the installation or replacement of controllers, hardware, programming and associated equipment in connection with the Building Management System Upgrades at the New Jail and Headquarters Building at the Norwood E. Jackson Correctional Center; Woodfield Cottage and the Radio Tower Control Building in Valhalla, New York; and the Richard J. Daronco Courthouse Tower in White Plains, New York. NYPA has indicated that this additional work is necessary and consistent with the energy efficiency objectives of the project.

This work will be completed at a cost not to exceed \$200,000.00, bringing the total CIC Agreement plus Amendment to a not to exceed amount of \$2,931,188.00. The additional annual energy savings resulting from this amendment is projected to be \$16,000.00, bringing the total estimated annual energy savings resulting from this project to \$160,327.00. The completion date of the Agreement shall remain December 31, 2012.

The objective of this amendment is to upgrade the Building Management System at various County facilities. This work is necessary to provide a fully functional, reliable, and energy efficient Building Management System throughout these facilities. This agreement will benefit the public as it will implement the most cost-effective and environmentally compliant technologies available which will provide long-term energy conservation.

The Department of Public Works and Transportation will track scheduling and accomplishments by NYPA and perform on-site inspections to ensure the successful completion of this project.

This additional work is incidental to the original work and does not materially alter the main purpose of the contract as to constitute a new undertaking. The work is of the same nature as the initial work, is to be performed in the same general vicinity, is necessary to efficiently complete the project and was unanticipated until work during the construction phase began.

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

This amendment has been reviewed by the Law Department and a proposed form of Resolution to accomplish the foregoing is attached hereto for your review.

Your approval of the attached Resolution is respectfully requested.

RESOLUTION

Upon communication from the Commissioner of Public Works and Transportation, be it hereby

RESOLVED, that the existing Customer Installation Commitment (“CIC”) Agreement between the County of Westchester and the New York Power Authority (“NYPA”), 123 Main Street, White Plains, New York 10601, be amended to provide for additional work in connection with the Building Management System Upgrades at the New Jail and Headquarters Building at the Norwood E. Jackson Correctional Center; Woodfield Cottage and the Radio Tower Control Building in Valhalla, New York; and the Richard J. Daronco Courthouse Tower in White Plains, New York. NYPA shall provide additional design, construction management, programming, equipment procurement and installation associated with this project to address the unforeseen field conditions that have arisen during the construction phase; and be it further

RESOLVED, that the additional work will be completed at a cost not to exceed \$200,000.00, increasing the total CIC Agreement plus Amendment to a not to exceed amount of \$2,931,188.00; and be it further

RESOLVED, that all other provisions of the existing CIC Agreement shall remain in full force and effect; 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.

Original Agreement	\$	2,731,188.00	(BMS Upgrades)
This Amendment		<u>200,000.00</u>	(Additional BMS Upgrades)
TOTAL	\$	2,931,188.00	

Agreement No. 10-928

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub Object	Trust Account	Dollars
	346	46	B007100C	6120-02		\$ 200,000.00
					Total:	\$ 200,000.00

Budget Funding Year(s): 2012 Start Date: 10/15/08 End Date: 12/31/12
 (must match resolution)

Funding Source: Tax Dollars: 100% County Contractor Federal I.D. No./
 State Aid: _____ Social Security No.: _____
 \$ 200,000.00 Federal Aid: _____ Vendor No.: _____
 (must match resolution) Other: _____ Encumbrance No.: _____