

34100

TO: Board of Acquisition and Contract

FROM: Jay T. Pisco, PE
Commissioner of Public Works and Transportation

DATE: May 16, 2013

SUBJECT: Authorization to enter into a Customer Installation Commitment Agreement with the New York Power Authority (NYPA) for the Cooling Tower Replacement at the Norwood E. Jackson Correctional Facility (Agreement No. 13-918)

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 cooling tower and associated equipment to be replaced at the Norwood E. Jackson Correctional Facility as an energy efficiency project 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 consist of, but are not limited to, demolition of the existing cooling tower, installation of a new cooling tower with high efficiency motors, variable frequency drives, controls and associated work. This work will be completed at a cost not to exceed \$2,506,053.00. The estimated annual savings resulting from this project is projected to be \$114,076.00. Although the current EECEP Agreement terminates on June 30, 2013, the EECEP Agreement specifically states that any CIC executed on or before the EECEP termination date of June 30, 2013 shall remain in full force and effect through the end of the particular CIC term and survive any termination of the EECEP Agreement.

This CIC Agreement will reduce the County’s utility costs, improve energy efficiency, and help reduce the County wide carbon footprint.

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

This agreement 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 County has identified the cooling tower and associated equipment to be replaced at the Norwood E. Jackson Correctional Facility 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 replacement of the cooling tower and associated equipment at the Norwood E. Jackson Correctional Facility. The work will be completed at a total cost not to exceed \$2,506,053.00. The estimated annual savings for this project is projected to be \$114,076.00; 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. 13-918

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub Object	Trust Account	Dollars
346	46	B010100S	6120-02		\$ 2,506,053.00
				Total:	\$ 2,506,053.00

Budget Funding Year(s): 2013 Start Date: 7/1/08 End Date: 12/31/14
 (must match resolution)

Funding Source: Tax Dollars: 100% County Contractor Federal I.D. No./ Social Security No.: _____
 State Aid: _____ Vendor No.: _____
 \$ 2,506,053.00 Federal Aid: _____ Encumbrance No.: _____
 (must match resolution) Other: _____