

**34693**

**TO:** Board of Acquisition and Contract  
**FROM:** Jay T. Pisco, P.E.  
Commissioner of Public Works and Transportation  
**DATE:** June 25, 2013  
**SUBJECT:** Authorization to enter into a Clean Energy Project Agreement with the New York Power Authority (“NYPA”) for a feasibility study of implementing geothermal technology at three County locations (Agreement No. 13-805)

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The County of Westchester (the “County”) 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 (the “Energy Purchase Agreement”) 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.

In connection with the Energy Purchase Agreement and the New York State Energy Efficiency and Clean Renewable Energy “45 by 15” Initiative, NYPA has proposed performing a feasibility study to determine the viability of implementing geothermal technology at three County-owned locations. Pursuant to the proposed Clean Energy Project Agreement, funding of this feasibility study will be at the sole cost of NYPA.

The locations to be studied are: Public Labs Building, 10 Dana Road, Valhalla Campus, Valhalla, New York; Public Safety Headquarters, 1 Saw Mill River Road, Hawthorne, New York; and 375 Executive Boulevard, Elmsford, New York. If the three buildings set forth are determined not to be appropriate for the study, the County can add buildings with the consent of NYPA. Services to be performed by NYPA will include preparation of facility energy audits, including but not limited to, evaluations of existing structures and systems, assessment and analysis of energy using components, development of possible modifications or replacement of equipment to save energy, analysis of the implementation of geothermal systems, and cost-benefit evaluations.

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

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 of Westchester (the "County") is authorized to enter into an agreement (the "Agreement") with the Power Authority of the State of New York, also known as the New York Power Authority ("NYPA"), pursuant to which NYPA will provide the County with a feasibility study to determine the viability of implementing geothermal technology at three locations on behalf of the County. Funding of this feasibility study will be at the sole cost of NYPA. The locations to be studied are: Public Labs Building, 10 Dana Road, Valhalla Campus, Valhalla, New York; Public Safety Headquarters, 1 Saw Mill River Road, Hawthorne, New York; and 375 Executive Boulevard, Elmsford, New York; if the three buildings set forth herein are determined not to be appropriate for the study, the County can add buildings with the consent of NYPA, with the Agreement to remain in full force and effect until terminated by either party upon sixty (60) days written notice; and be it further

RESOLVED, that pursuant to the Agreement the County shall agree to indemnify and save NYPA, its officers and employees, and the State of New York harmless from and against all liabilities, demands, suits, judgments, expenses (including without limitation, judgments, attorneys' fees and court costs), or penalties which it may incur arising from the services to be provided under this Agreement, or in any way as a consequence of NYPA's or the State of New York's funding of the Agreement; 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. 13-805

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub Object	Trust Account	Dollars
					N/A

Budget Funding Year(s):     N/A     Start Date:     July 1, 2013     End Date:     June 30, 2014      
(must match resolution)

Funding Source: Tax Dollars: \_\_\_\_\_ Contractor Federal I.D. No./  
 State Aid: \_\_\_\_\_ Social Security No.: \_\_\_\_\_  
 \$     N/A     Federal Aid: \_\_\_\_\_ Vendor No.: \_\_\_\_\_  
(must match resolution) Other: \_\_\_\_\_ Encumbrance No.: \_\_\_\_\_