

40159

TO: Board of Acquisition and Contract

FROM: Thomas J. Lauro, P.E.
Commissioner of Environmental Facilities

DATE: May 8, 2014

RE: **Resolution to extend a contract with Power Cooling Inc. (the “Contract”) for one (1) additional two-year term commencing June 21, 2014**

A resolution was approved on 06/14/2012 that authorized the County to enter into a contract (EF-1204) with Power Cooling Inc. (“Power Cooling”), low bidder, for Service, Repair and Replacement of Small Air Conditioning Systems (Less than 80 tons), Various Locations, Westchester County, New York for a two-year period.

During the term of the original contract, Power Cooling has provided satisfactory service to the County. Accordingly, authority is also requested to exercise the option to extend the contract for an additional two-year period in the amount of \$142,760.00, by mutual consent of the Contractor and the County of Westchester with all pricing, terms and conditions remaining the same as provided for in the original contract document.

The goals and objectives of the contract are to obtain the services of a specialized contractor who has the prior experience and training to ensure proper functioning of the air conditioning equipment that will allow the Department to maintain its air conditioning equipment with minimal breakdowns, and it is critical to extending equipment life and protecting DEF infrastructure. After each site visit, a written service report will be generated by the Contractor, which will be signed off by a DEF maintenance superintendent and will serve as verification that the work was performed. These service reports are to be submitted with each payment request. Signed verification by DEF is for payment and tracking purposes only and in no way relieves contractual responsibility from the Contractor for completing the work as described in the Contract Documents. The Contractor will be responsible to comply with all applicable regulations and industry standards.

This contract is deemed to fulfill a public purpose as the service provided under this Contract promotes the public health and welfare by insuring proper operation of the County’s Wastewater Treatment Plants and enables the Department to carry out its basic mission to provide wastewater treatment and maintain satisfactory water quality.

Approval of the attached resolution is respectfully requested.

RESOLUTION

Upon communication from the Commissioner of the Department of Environmental Facilities, be it hereby

RESOLVED: the resolution dated May 8, 2014 authorizing a contract (EF-1204) with Power Cooling Inc. (the "Contract") for Service, Repair and Replacement of Small Air Conditioning Systems (Less than 80 tons), Various Locations, in Westchester County for a two-year period is hereby amended to include the option to extend the contract for one additional two-year period, by mutual consent of the Contractor and the County of Westchester with all pricing, terms and conditions remaining the same as the original contract; and be it further

RESOLVED: the County is authorized to extend the Power Cooling Contract for one (1) additional two-year term commencing June 21, 2014 at a cost not to exceed \$142,760.00 as provided in the bid document; and be it further

RESOLVED: all other terms of the Power Cooling contract shall remain the same; and be it further

RESOLVED, that this contract extension is subject to annual 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 budget of the State of New York and/or the adoption of the State Budget or any amendments thereto, and after the County has a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of 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 such 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 to execute any and all instruments and take all actions necessary to accomplish the purpose hereof.

| Account to be charged/ Credited | | Fund | Dept | Major Program, Program & Phase or Unit | Object/Sub Object | Trust Account | Dollars |
|------------------------------------|--|------|------|--|-------------------|---------------|-------------|
| 2014 | | 221 | 60 | 0110 | 4380-99 | | \$37,672.00 |
| 2015 | | 221 | 60 | 0110 | 4380-99 | | \$71,380.00 |
| 2016 | | 221 | 60 | 0110 | 4380-99 | | \$33,708.00 |

Budget Funding Year (s) 2014-2016 Start Date: 06/21/2014 End Date: 06/20/2016

| | | |
|-------------------------|--|--------------------------------------|
| Funding Source: | Tax dollars <u>100% County</u> State Aid <u>-0-</u> Federal Aid <u>-0-</u> Other <u>-0-</u> | Contractor - Federal I.D. No. |
| <u>\$142,760.00</u> | | |
| (Must match resolution) | | |