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41167

TO: The Honorable Board of Acquisition and Contract

FROM: Reginald A. LaFayette & Douglas A. Colety
Commissioners of the Board of Elections

DATE: July 7, 2014

RE: Resolution to Amend Previous Resolution and to Award to the Second Low Bidder
Contract No. **BOE 14-06**
2014 Primary, Special and General Election Moving Services and Storage of
Handicapped Accessibility Equipment, Zone 6 - Yonkers

On April 24, 2014 your Honorable Board authorized the County of Westchester (the "County") to enter into a contract with the apparent low bidder, Elate Moving LLC ("Elate") in an amount not to exceed \$39,984.00 (the "April 24, 2014 Resolution"). However, subsequent to the award of the contract, Elate notified the County that it could not fulfill its duties and the contract was never executed. Thus, it is now hereby requested that the April 24, 2014 Resolution be amended to reflect that Contract No. BOE 14-06 is awarded to the apparent second low bidder, Warburton Movers, Inc. ("Warburton") in an amount not to exceed \$43,000.00.

The apparent second low bidder Warburton's has been investigated and it has been found satisfactory for the County of Westchester Board of Elections.

Funds for this project are available in the Operating Budget.

The public purpose, as well as the goal and objective of this contract, is to allow the Board of Elections to carry out its statutory duties in connection with all upcoming 2014 Primary, Special and General Elections and to ensure that all eligible County residents have the opportunity to exercise their right to vote. County Board of Elections staff will monitor the contractor's performance of the contract.

Therefore, it is our recommendation that the April 24, 2014 Resolution be amended to reflect that Contract No. BOE 14-06 is awarded to Warburton in an amount not to exceed \$43,000.00, subject to appropriations.

RAL/DAC/jpi

RESOLUTION
Contract No. BOE 14-06

Upon Communication from the Commissioners of the Board of Elections, be it

WHEREAS, your Honorable Board authorized the County of Westchester (the "County") to enter into Contract No. BOE 14-06 for 2014 Primary, Special and General Election Moving Services and Storage of Handicapped Accessibility Equipment, Zone 6 -Yonkers, Elate Moving LLC in an amount not to exceed \$39,984.00 on April 24, 2014 (the "April 24, 2014 Resolution"), however a contract was never executed.

RESOLVED, that the April 24, 2014 Resolution authorizing the County to enter into Contract No. BOE 14-06 for 2014 Primary, Special and General Election Moving Services and Storage of Handicapped Accessibility Equipment, Zone 6 – Yonkers (the "Contract"), with the apparent low bidder, Elate Moving LLC, in an amount not to exceed \$39,984.00 be and is hereby amended to reflect that the Contract is awarded to the second low bidder, Warburton Movers Inc, 104 Touissant Ave, Yonkers, New York 10710, in an amount not to exceed \$43,000.00, and payable pursuant to an approved budget; 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 | 14 | 1000 | 4380 | | \$43,000.00 |

Budget Funding Year(s) 2014 **Start Date:** April 1, 2014 **End Date:** December 31, 2014
(must match resolution)

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

Contractor Federal I.D. No.
Social Security No.: _____

State Aid _____

\$43,000.00
(must match resolution) **Federal Aid** _____

Vendor No.: _____

Other _____

Encumbrance No.: _____