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Date: October 18, 2017

To: The Honorable Board of Acquisition and Contract

From: Kathleen M. O'Connor
Commissioner of Parks, Recreation and Conservation

Re: Resolution to exempt from the Westchester County Procurement Policy agreements between the County of Westchester and DLL Finance LLC for the provision of golf cars, including GPS services under a 5 year lease and a maintenance agreement to cover the golf cars during the lease term, pursuant to Section 3(a)xxi of the Westchester County Procurement Policy and Procedures.

Authority is hereby requested from your Honorable Board to exempt from the Westchester County Procurement Policy an agreement with DLL Finance LLC, 8001 Birchwood Court, Suite C, P.O. Box 2000, Johnston, IA 50131-0020 ("DLL") for the provision of golf cars, including GPS services, under a 5 year lease and a maintenance agreement to cover the golf cars during the lease term, pursuant to Section 3(a)xxi of the Westchester County Procurement Policy and Procedures.

Pursuant to a resolution approved on March 30, 2006, the County entered into a lease agreement with Club Car, Inc., ("Club Car") 4125 Washington Road, Evans, Georgia 30809 to lease 220 golf cars for a 60 month term following the first date of delivery, The County had the option to terminate the agreement after 48 months with no penalty if the County opted to enter into a new 5 year lease with Club Car for a new fleet at rates to be mutually agreed upon and approved by the Board of Acquisition and Contract.

Pursuant to a resolution approved on March 4, 2010 and March 18, 2010 the County exercised its option to terminate the lease agreement with Club Car, Inc. and the County entered into a new 54 month lease agreement and maintenance agreement with Club Car's financing company Agricredit Acceptance LLC ("Agricredit"), at new rates commencing March 15, 2010.

Pursuant to resolutions approved on December 12, 2013, the lease agreement for the golf cars was terminated one year early at no cost to the County, a new 56 month lease agreement was exempted from the Procurement Policy and the County entered into a new 56 month lease agreement for golf cars with a full service maintenance agreement and full warranty and GPS services starting on March 1, 2014.

Pursuant to a resolution approved on February 6, 2014, the County, as part of the lease agreement, agreed to indemnify and defend Agricredit in the event of damages arising from the use of the golf cars.

Pursuant to a resolution approved on March 10, 2016, the Lease Agreement with Agricredit was amended to reflect a name change to DLL Finance LLC effective November 2, 2015.

The golf car lease agreement is due to expire prior to the beginning of the 2019 golf season. With respect to the 95 electric golf cars, all are at or above the warranty threshold for energy units consumed. As the cars enter the 5th year of use, there is a high probability of failure in the 95 electric cars based on usage which is the number of cart rounds. If the County were required to replace batteries for the electric golf cars for the 2018 season under the current agreement, there could be a total exposure of \$97,700. Also, failing cars would not be able to earn revenue and make it more difficult for staff to manage with performing cars and non-performing cars and with fleet failures, frustrated players could leave for other courses. The current lease for the older golf cars will be terminated one year early and the County will not be required to pay the balance of \$544,351.50 due for the final year under the current lease. The County shall enter into a new 5 year lease agreement for new golf cars which shall include a number of technological upgrades.

Gasoline powered cars will be equipped with fuel efficient Electronic Fuel Injection (EFI) gasoline engines. These new engines will have less parts and increase fuel efficiency by 30%. Based on the rounds played at County golf courses, it should equate to a savings of \$12,000 to \$15,000 annually or \$60,000 to \$75,000 over the 5 year term of the agreement.

A new and substantially improved Visage GPS system will also be used with stop and go technology. The new gas EFI golf cars will have the added capability for the Department to stop the golf cars engines and allow them to continue after the driver is warned of a potentially dangerous situation. This will improve course conditions, reduce liability and deter the theft of golf cars in addition to providing more control for the County. This system is currently available on all of the electric cars.

The new agreement will also include a full service maintenance agreement to maintain the golf cars during the term of the lease agreement. The Department of Parks, Recreation and Conservation believes that this new 5 year lease is in the best interest of the County and golf course patrons as it would provide brand new golf cars for the 2018 season equipped with a new and substantially improved GPS system and gasoline cars with highly efficient engines.

Pursuant to Section 3(a)xxi of the Westchester County Procurement Policy and Procedures, the Procurement Policy and Procedures are not applicable to any procurement for which this Honorable Board determines, by resolution passed prior to commencing such procurement, that compliance with the Procurement Policy and Procedures would not be in the best interests of the County. For the reasons set forth above, it is proposed that the best interests of the County would be served by exempting these agreements from the Westchester County Procurement Policy and Procedures. A resolution to exempt these agreements from Procurement Policy is hereby submitted for your consideration.

KMO/JMC/

RESOLUTION

Upon a communication from the County's Commissioner of Parks, Recreation and Conservation, be it hereby:

RESOLVED, that pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, it is hereby determined that application of the procedural requirements contained therein, including the necessity of soliciting proposals, is neither cost effective nor expedient, and accordingly, not in the best interests of the County in connection with the procurement of a 5 year lease for the provision of golf cars with GPS system included and related maintenance agreement for the golf cars during the term of the lease.

APPROVED BOARD OF ACQUISITION & CONTRACT - 11/09/2017 - LISA MRIJAJ, SECRETARY