

ID 59928

Date: November 29, 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 a five-year agreement between the County of Westchester and Club Car, LLC for the maintenance of golf cars, provided to the County under a lease agreement between the County and DLL Finance LLC pursuant to Section 3(a)xxi of the Westchester County Procurement Policy and Procedures.

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Authority is hereby requested from your Honorable Board to exempt from the Westchester County Procurement Policy a five-year agreement (the "Maintenance Agreement") between the County of Westchester (the "County") and Club Car, LLC, P.O Box 204658, Augusta Georgia 30917-4658 ("Club Car") for the maintenance of golf cars which will be provided to the County under a five-year lease agreement with DLL Finance LLC ("DLL"), pursuant to Section 3(a)xxi of the Westchester County Procurement Policy and Procedures.

On even date herewith, authorization is being requested for the County to terminate the lease agreement with DLL Financing LLC and authorization is also requested to enter into the proposed lease agreement (the "Lease Agreement") with DLL Finance LLC ("DLL"), which is the finance company for Club Car, LLC, P.O Box 204658, Augusta Georgia 30917-4658 ("Club Car"). Club Car will provide the leased golf cars and Carryall vehicles and perform the maintenance services, and the County's payments for these services will be included in the payments from the County to DLL under the Lease Agreement. DLL will be responsible for payments to Club Car for the services pursuant to the Lease Agreement. The services provided by Club Car to the County will be performed pursuant to a separate maintenance agreement (the "Maintenance Agreement"). Authorization is also being requested to enter into the proposed Maintenance Agreement. In addition to the maintenance of the leased vehicles, Club Car will refurbish twelve gasoline golf cars which were provided to the County under the prior agreement. The term of the Maintenance Agreement will be for a period of five years commencing upon delivery of the vehicles. The cost to the County of the leased vehicles and all maintenance and warranties shall be included in the County's payments under the Lease Agreement. The Maintenance Agreement with Club Car will be at no additional cost to the County.

As the Lease Agreement and the proposed Maintenance Agreement are inextricably linked, we respectfully submit that the best interests of the County would not be served by application of the procedural requirements of the procurement policy.

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. By resolution approved November 9, 2017, your Honorable Board authorized an exemption from procurement for the Lease Agreement. For the reasons set forth above, it is proposed that the best interests of the County would be served by exempting the Maintenance Agreement from the Westchester County Procurement Policy and Procedures. A resolution to exempt the Maintenance Agreement from Procurement Policy is hereby submitted for your consideration.

KMO/JMC/jrc

APPROVED BOARD OF ACQUISITION & CONTRACT - 11/30/2017 - ISA M/JMC SECRETARY

## **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 five-year maintenance agreement with Club Car, LLC for the maintenance of golf cars provided to the County under the lease agreement with DLL Finance LLC.

APPROVED BOARD OF ACQUISITION & CONTRACT - 11/30/2017 - USA WRIJAJ, SECRETARY