

82704

TO: Honorable Board of Acquisition and Contract

FROM: Hugh J. Greechan, Jr., P.E.
Commissioner of Public Works and Transportation

DATE: February 16, 2021

SUBJECT: Authority for the County of Westchester to enter into an agreement with the New York State Energy Research and Development Authority through its New York Truck Voucher Incentive Program, for a term from March 1, 2021 through March 1, 2026.
(Agreement No. DOTCPRV01-21)

Authority of your Honorable Board is requested for the County of Westchester, acting by and through the Department of Public Works and Transportation (the "County"), to enter into an agreement with the New York State Energy Research and Development Authority ("NYSERDA") through its New York Truck Voucher Incentive Program ("Program"), for a term from March 1, 2021 through March 1, 2026.

The County will be purchasing six new electric transit buses, four of which will be partially funded by NYSERDA. NYSERDA is distributing a portion of the federal Volkswagen settlement resulting from emissions violations in order to permanently remove older, polluting diesel vehicles from New York's roadways and replace them with new, cleaner vehicles, including all-electric buses. NYSERDA will pay the bus manufacturers directly.

The agreement requires the County, as the Vehicle Purchaser, to protect, indemnify and hold harmless NYSERDA and the State of New York from and against all liabilities, losses, claims, damages, judgments, penalties, causes of action, costs and expenses (including, without limitation, attorneys' fees and expenses) imposed upon or incurred by or asserted against NYSERDA or the State of New York resulting from, arising out of or relating to Vehicle Purchaser's/Vehicle Operator's participation in the Program including, without limitation, Vehicle Purchaser's purchase of vehicles/Vehicle Operator's operation of vehicles in association therewith.

The goal and objective of this agreement is to establish parameters by which the County will keep and maintain the subject vehicles. This agreement is exempt from the County's Procurement Policy and Procedures pursuant to Section 3 (a) (iii) thereof.

The County's Department of Public Works and Transportation will monitor and report the progress of this project using its own staff.

Accordingly, I recommend your Honorable Board's approval of the annexed Resolution authorizing the County to enter into this agreement.

HJG/DLV/dv

