

TO: Board of Acquisition and Contract

FROM: John J. Hsu, P.E.
Acting Commissioner of Public Works

DATE: April 10, 2010

SUBJECT: Resolution to Amend
Contract No. 07-202
Janitorial Services
District Office
131 Warburton Avenue
Yonkers, New York
Contractor: CTE Cleantech Corp.
Amount: \$277,740.00

On May 31, 2007, your Honorable Board awarded Contract No. 07-202, Janitorial Services, District Office, 131 Warburton Avenue, Yonkers, New York to CTE Cleantech Corp., 450 Westbury Avenue, Carle Place, New York 11514.

The bid documents and contract for Contract No. 07-202 provides the County at its sole option, the right to extend that agreement for up to three (3) additional one (1) year terms. It is in the best interest of the County to exercise all three (3) options at this time and thereby extend the term of this contract through May 31, 2013.

Contract No. 07-202 provides that the amount paid to the Contractor during the option periods shall increase or decrease based on the amount of the increase or decrease in the hourly rate of the Living Wage Incentive Rate as compared to the immediately prior Living Wage Incentive Rate. The increase or decrease is to take effect concurrently with the effective date of the increase or decrease in the Living Wage Incentive Rate. Currently, the Living Wage Incentive Rate does not include an additional increase after January 1, 2006. The Contractor's original bid contained the same rate for all three (3) years of the original term. The Contractor has agreed that as long as there is no increase in the current Living Wage Incentive Rate and applicable Prevailing Wage Rate that for the option period it will be paid based on the same hourly rates as contained in its original bid of May 2, 2007.

It is my recommendation that the County exercise the options in Contract No. 07-202 to extend the term of the contract from June 1, 2010 through May 31, 2013 at a total cost not to exceed \$277,740.00.

The objective of this contract is to provide janitorial services daily at the District Office at 131 Warburton Avenue, Yonkers, New York.

This contract is in the public's best interest because it will promote the health and safety of the general public and staff by providing a clean and sanitary working environment at this facility, thus addressing the County Executive's priority area: Health and the Environment (HE).

This project will provide an environmental benefit because only environmentally preferable cleaning products shall be utilized in this contract in accordance with the provisions of Executive Order 2-2006 and Executive Order 3-2005.

If this resolution is not approved, the District Office will not be maintained in a clean and professional manner.

This Department will track the quality of the cleaning by utilizing the detailed cleaning specification in the contract against the actual work done by the Contractor.

This Amendment has been reviewed by the Law Department and a proposed form of resolution is attached hereto for your approval.

APPROVED BOARD OF ACQUISITION & CONTRACT - 5-27-2010 - JOMARY VIEIRA SECRETARY

RESOLUTION

CONTRACT NO. 07-202

Upon communication from the Acting Commissioner of Public Works, be it

RESOLVED, that Contract No. 07-202 for Janitorial Services, District Office, 131 Warburton Avenue, Yonkers, New York, between the County of Westchester and CTE Cleantech Corp, 450 Westbury Avenue, Carle Place, New York 11514 be and is hereby amended to extend the term of the contract through May 31, 2013 at a total cost not to exceed \$277,740.00 for the period June 1, 2010 through May 31, 2013; and be it further

RESOLVED, that all other terms of the contract shall remain the same; 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	46	3300	4380		\$54,005.00 (2010)
	101	46	3300	4380		\$92,580.00 (2011)
	101	46	3300	4380		\$92,580.00 (2012)
	101	46	3300	4380		\$38,575.00 (2013)

Budget Funding Year(s) 2010-2013 **Start Date:** June 1, 2010 **End Date:** May 31, 2013

(must match resolution)

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

Contractor Federal I.D. No./
Social Security No.: 11-3485465

State Aid _____

\$277,740.00 **Federal Aid** _____

Vendor No.: _____

(must match resolution)

Other _____

Encumbrance No.: _____