

13401

**TO:** Board of Acquisition and Contract  
**FROM:** John J. Hsu, PE  
Commissioner of Public Works  
**DATE:** August 11, 2010  
**SUBJECT:** Authorization to enter into a Customer Installation Commitment Agreement with the New York Power Authority (NYPA) for the Building Management System Upgrade (Agreement No. 10-928)

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The County of Westchester purchases electricity for its own use from the Power Authority of the State of New York, also known as the New York Power Authority (“NYPA”). The Agreement under which the County purchases such electricity provides, among other things, that NYPA and the County will work in partnership to identify energy efficiency projects and clean energy technology projects at County facilities and will undertake such projects as are deemed economically feasible and agreeable to the parties.

On May 29, 2008 your Honorable Board authorized the County to enter into an agreement with NYPA for the study and design of Energy Efficiency and Clean Energy Projects at various County facilities for the period July 1, 2008 through June 30, 2013 (hereinafter the “EECEP Agreement”). The project work may be performed through the services of qualified contractors or subcontractors or NYPA may itself act as contractor. Pursuant to the terms of the EECEP Agreement and the authorization granted by your Honorable Board, if the County determines to proceed with the construction of any project and to retain NYPA’s services in connection with the project, the County must enter into a separate Customer Installation Commitment agreement with NYPA for each approved project (hereinafter the “CIC Agreement”). The aforesaid CIC Agreements and their funding are subject to your Honorable Board’s approval.

The County has identified the New Jail and Headquarters Building at the Norwood E. Jackson Correctional Center; Woodfield Cottage, and the Radio Tower Control Building at the Valhalla Campus; and the Richard J. Daronco Courthouse Tower in White Plains to be renovated with new or updated Building Management Systems (“BMS”). The County seeks to retain the services of NYPA to accomplish this work. Pursuant to the EECEP Agreement, the County and NYPA must enter into a CIC Agreement for this project. Services to be performed by NYPA will include, but not be limited to, preparation of a feasibility report, design, construction management, equipment procurement, installation, disposal of waste, and financing. It should be noted that this project has received \$1,500,000.00 in funding from the American Recovery and Reinvestment Act of 2009 (ARRA) under the United States Department of Energy (DOE) Energy Efficiency and Conservation Block Grant (EECBG) Program.

NYPA’s recommendations at these facilities consist of, but are not limited to, the upgrade of the existing Andover BMS software and the installation or replacement of controllers, hardware and associated devices. This work will be completed at a cost not to exceed \$2,731,188.00. The estimated annual savings resulting from this project is projected to be \$144,327.00.

The CIC Agreement addresses the County Executive's priority areas of Health and Environment and Fiscal Responsibility. By upgrading the building management systems at these facilities, the energy demand will be better managed, thereby decreasing the amount of wasted energy.

The Department will track scheduling and accomplishments by NYPA and perform on-site inspections to ensure the successful completion of the work under the aforementioned Agreements. It is recognized and understood that the County shall evaluate the performance of these Agreements by NYPA and shall use such evaluation in deciding to award future contracts to NYPA.

This agreement is exempt from the procedures of the Procurement Policy under Section 3(a)(iii) of said policy.

Your approval of the attached resolution is respectfully requested.

APPROVED BOARD OF ACQUISITION & CONTRACT - 8-26-2010 - JOMAR VIEIRA, SECRETARY

# RESOLUTION

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

RESOLVED, that the County has identified the New Jail and Headquarters Building at the Norwood E. Jackson Correctional Center; Woodfield Cottage, and the Radio Tower Control Building at the Valhalla Campus; and the Richard J. Daronco Courthouse Tower in White Plains to be renovated with new or updated Building Management Systems and accordingly seeks to enter into a Customer Installation Commitment ("CIC") Agreement with the New York Power Authority ("NYPA") for this project. Under the terms of the CIC Agreement, NYPA will be responsible for a feasibility report, design, construction management, equipment procurement, installation, and financing in connection with the Building Management System Upgrade. This project has received \$1,500,000 in funding from the American Recovery and Reinvestment Act of 2009 (ARRA) under the United States Department of Energy (DOE) Energy Efficiency and Conservation Block Grant (EECBG) Program. The work will be completed at a total cost not to exceed \$2,731,188. The estimated annual savings for this project is projected to be \$144,327, and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized and empowered to execute any and all documents necessary or appropriate to effectuate the purposes hereof.

Agreement No. 10-928

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub Object	Trust Account	Dollars
	346	46	B007100C	6120-02		\$ 1,231,188.00
	346	46	B007101S	6120-02		1,500,000.00
					<b>Total:</b>	<b>\$ 2,731,188.00</b>

Budget Funding Year(s): 2010 Start Date: 10/15/08 End Date: 12/31/12  
 (must match resolution)

Funding Source: Tax Dollars: \$1,231,188.00 County Contractor Federal I.D. No./  
 State Aid: \_\_\_\_\_ Social Security No.: \_\_\_\_\_  
\$ 2,731,188.00 Federal Aid: \$1,500,000.00 DOE EECBG Vendor No.: \_\_\_\_\_  
 (must match resolution) Other: \_\_\_\_\_ Encumbrance No.: \_\_\_\_\_