

22783

TO: Board of Acquisition and Contract

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

DATE: November 2, 2011

SUBJECT: Resolution to Award Contract No. 10-226
Moving Services
Westchester County Board of Elections
Warehouse to Polling Sites
Zone 3 Primary Election and General Election

Contractor: Smart Moving & Storage, Inc.
Contract Amount: \$109,598.36
Total Amount of Final Payment: \$40,132.56

In accordance with the New York State Office of General Services Award Number 19993 ("NYSOGS Award Number 19993"), best and final offers were solicited from providers of moving services that had been pre-approved by the New York State Office of General Services. The terms of NYSOGS Award Number 19993, provided for, among other things, that the best and final offer would be the maximum possible amount payable under this contract, and that the successful contractor would be required to submit invoices that included sufficient data in order to justify the invoices and that the successful contractor would accept a downward adjustment of the best and final offer if the moving services were accomplished in less time and/or with fewer employees/trucks.

On September 3, 2010, two (2) best and final offers were received and opened for Contract No. 10-226 for Moving Services, Westchester County Board of Elections, Warehouse to Polling Sites, Zone 3 Primary Election and General Election, and it was determined that Smart Moving & Storage, Inc. ("Smart Move") submitted the lowest best and final offer in the amount of \$138,931.00. The Department of Public Works and Transportation (the "Department") mistakenly processed the agreement and made partial payment in the amount of \$69,465.80, for the moving services in connection with the Primary Election, at the rates provided for in NYSOGS Award Number 19993, without obtaining authorization from your Honorable Board. The failure to seek authorization from your Honorable Board and to make partial payment was inadvertent, and was discovered upon consultation with the Law Department.

After completing the moving services in connection with General Election, Smart Move submitted a second invoice, which included extras. Smart Move did not provide sufficient data in order to justify its invoices for the Primary and General Elections and extras were not permitted under the NYSOGS contract specification. As such, the total amount payable to Smart Move under this contract must be adjusted downward to \$109,598.36.

The low bidder was investigated and it was found that Smart Move:

- Performed satisfactory work in the past for the County.
 Past experience has been investigated and found satisfactory.

Funds for this project are available in the:

- Capital Budget
- Non-Recurring Budget
- Operating Budget

The objective of this contract is to deliver and return electronic voting machines centrally stored at the Board of Elections Warehouse at 450 Saw Mill River Road in Ardsley to polling sites so that all County residents can vote.

This contract is in the public's best interest because they fulfilled the County's responsibility to administer the Zone 3 Primary Election and General Election.

It is my recommendation that Contract No. 10-226 be awarded to Smart Move in the final amount of \$109,598.36 and that final payment in the amount of \$40,132.56 be authorized.

This resolution has been reviewed by the Law Department.

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APPROVED BOARD OF ACQUISITION & CONTRACTS 11/10/2011 - JOHARY WELLS, SECRETARY

RESOLUTION

CONTRACT No. 10-226

Upon communication from the Commissioner of Public Works and Transportation, be it

RESOLVED, that Contract No. 10-226 for Moving Services, Westchester County Board of Elections, Warehouse to Polling Sites, Zone 3 Primary Election and General Election be and is hereby awarded to the New York State Office of General Services pre-approved moving contractor that submitted the lowest best and final offer to the County, Smart Moving & Storage, Inc., 179 Saw Mill River Road, Yonkers, New York 10701, in the total amount of \$109,598.36, and that final payment in accordance with the specifications of NYSOGS Award Number 19993 in the amount of \$40,132.56 be authorized; 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	14	1000-1000	4380 14K011		\$109,598.36

Budget Funding Year(s) 2010 **Start Date:** February 1, 2010 **End Date:** February 28, 2011
(must match resolution)

Funding Source: **Tax Dollars** 100% County
 State Aid _____
 Federal Aid _____
 Other _____

Contractor Federal I.D. No./
Social Security No.: _____

Vendor No.: _____
Encumbrance No.: _____

\$109,598.36
(must match resolution)