

34485

TO: Board of Acquisition and Contract

FROM: Jay T. Pisco, P.E.
Commissioner of Public Works and Transportation

DATE: June 11, 2013

SUBJECT: Resolution authorizing the County of Westchester to enter into an agreement with Simplex Grinnell LP ("Simplex") whereby Simplex will provide all necessary labor, material and equipment required to perform testing, inspections and repair services for Simplex fire alarm systems at various County buildings and facilities located throughout Westchester County, in a total amount not to exceed \$1,165,320.00, and having a term of July 1, 2013 through June 30, 2018. (Agreement No. 13-201)

Transmitted herewith is a resolution requesting authority for the County of Westchester to enter into an agreement with Simplex Grinnell LP ("Simplex"), 4 Commerce Drive South, Suite 3, Harriman, New York 10926, whereby Simplex will provide all necessary labor, material and equipment required to perform testing, inspections and repair services for Simplex fire alarm systems at various County buildings and facilities located throughout Westchester County, in a total amount not to exceed \$1,165,320.00, and having a term of July 1, 2013 through June 30, 2018.

Pursuant to Section 9 of the Westchester County Procurement Policy and Procedures, and after reasonable investigation, it has been determined that Simplex is the only practicable source for the provision of these services. Simplex is the sole source for testing, inspections and repair services for Simplex fire alarm systems. Simplex fire alarm systems are manufactured by Simplex and Simplex is the sole provider for all manufactured specified parts for service. Simplex is also the only entity authorized to service Simplex fire alarm systems and Simplex has not authorized any third party to manufacture, market or service it. In addition, the County must utilize Simplex to service and repair Simplex fire alarm systems in order to maintain the manufacturer's warranty. Therefore, the procurement of this contract is not subject to public bidding under applicable case law recognizing the sole source exception, and I recommend to your Honorable Board that this procurement be treated as a sole source procurement pursuant to Section 9 of the Westchester County Procurement Policy.

This contract is in the public's best interest because it will promote the health and safety of the general public by maintaining vital life safety systems along with providing safe and code compliant work environments at various County facilities, thus addressing the County Executive's priority area: Safety and Security (SS). There are no energy or environmental components associated with this project.

As expenditures are made pursuant to this authorization, detailed records will be kept in the County's on-line financial system. These records will be easily accessible by Finance, Budget and department staff and will be reviewed regularly to ensure that funds are used appropriately.

As I believe this agreement to be in the best interests of the County, I most respectfully urge your Honorable Board to approve the attached resolution.

This resolution has been reviewed by the Law Department.

RESOLUTION

CONTRACT NO. 13-201

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

RESOLVED, that the County of Westchester is hereby authorized to enter into an agreement with Simplex Grinnell LP (“Simplex”), 4 Commerce Drive South, Suite 3, Harriman, New York 10926 whereby Simplex will provide all necessary labor, material and equipment required to perform testing, inspections and repair services for Simplex fire alarm systems at various County buildings and facilities located throughout Westchester County, in a total amount not to exceed \$1,165,320.00, and having a term of July 1, 2013 through June 30, 2018; and be it further

RESOLVED, that this procurement is deemed to be a sole source procurement pursuant to Section 9 of the Westchester County Procurement Policy; and be it further

RESOLVED, that adequate and sufficient security for the faithful performance of this contract shall be deemed to be receipt of a performance and payment bond in an amount equal to 20% of the total contract amount, and in a form approved by the County Attorney. The Bond Underwriter or Surety must appear on the U.S. Treasury’s listing of approved sureties (Department Circular 570) and all Sureties must be licensed to transact business in New York as a surety company; and be it further

RESOLVED that this Agreement 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.

RESOLUTION

CONTRACT NO. 13-201

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object Sub Object	Trust Account	Dollars
	101	46	3200	4380		\$ 69,613.50 (2013)
	101	46	3400	4380		\$ 22,647.50 (2013)
	165	42	5540	4380		\$ 5,271.00 (2013)
	221	60	0110	4380		\$ 19,000.00 (2013)
	101	46	3200	4380		\$139,227.00 (2014)
	101	46	3400	4380		\$ 45,295.00 (2014)
	165	42	5540	4380		\$ 10,542.00 (2014)
	221	60	0110	4380		\$ 38,000.00 (2014)
	101	46	3200	4380		\$139,227.00 (2015)
	101	46	3400	4380		\$ 45,295.00 (2015)
	165	42	5540	4380		\$ 10,542.00 (2015)
	221	60	0110	4380		\$ 38,000.00 (2015)
	101	46	3200	4380		\$139,227.00 (2016)
	101	46	3400	4380		\$ 45,295.00 (2016)
	165	42	5540	4380		\$ 10,542.00 (2016)
	221	60	0110	4380		\$ 38,000.00 (2016)
	101	46	3200	4380		\$139,227.00 (2017)
	101	46	3400	4380		\$ 45,295.00 (2017)
	165	42	5540	4380		\$ 10,542.00 (2017)
	221	60	0110	4380		\$ 38,000.00 (2017)
	101	46	3200	4380		\$ 69,613.50 (2018)
	101	46	3400	4380		\$ 22,647.50 (2018)
	165	42	5540	4380		\$ 5,271.00 (2018)
	221	60	0110	4380		\$ 19,000.00 (2018)

Budget Funding Year(s) 2013-2018 **Start Date:** July 1, 2013 **End Date:** June 30, 2018
(must match resolution)

Funding Source: Tax Dollars 100% County

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

\$1,165,320.00
(must match resolution)

Federal Aid _____

Vendor No.: _____

Other _____

Encumbrance No.: _____