

35630

TO: Board of Acquisition and Contract

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

DATE: August 20, 2013

SUBJECT: Authority to, 1) amend a resolution in order to authorize the County to include in an agreement with Unity Mechanical Corporation, the County's option of extending the term of that agreement for two (2) additional one-year periods, and 2) exercise that County option to extend the term of that agreement for one (1) additional one-year period, thereby increasing the amount of the agreement by \$128,000.00 and extending the term of the agreement through October 31, 2014. (Contract No. 10-216)

By resolution approved on September 2, 2010 (the "September 2nd Resolution"), your Honorable Board awarded Contract No. 10-216 to Unity Mechanical Corporation ("Unity"). The September 2nd Resolution authorized the County of Westchester (the "County") to enter into Contract No. 10-216 with Unity, pursuant to which Unity was to provide boiler maintenance service for the Courthouse Heating Plant in White Plains, New York, for the amount of \$384,000.00, for the period November 1, 2010 through October 31, 2013, ("Contract No. 10-216" or the "Agreement"). The Agreement was subsequently executed.

Due to an oversight, the September 2nd Resolution did not specify that the Agreement was to provide the County with the option to extend the Agreement for two (2) additional one-year periods. However, this option was noted in the bid books that were prepared for Contract No. 10-216 and, as a result, were made a part of the Agreement. In addition, Unity has agreed, in writing, to hold, for the two (2) additional one-year periods, the existing annual price of \$128,000.00.

Therefore, the County now seeks authority from your Honorable Board to amend the September 2nd Resolution in order to authorize the County to include in the Agreement the option to extend the term of the Agreement for two (2) additional one-year periods. The County also seeks authority from your Honorable Board to exercise that option to extend the term of the agreement for one (1) additional one-year period, and thereby, 1) increase the amount of the Agreement by \$128,000.00 from an amount of \$384,000.00 to an amount of \$512,000.00, and 2) extend the term of the Agreement from November 1, 2010 through October 31, 2013 to November 1, 2010 through October 31, 2014.

All other terms and conditions of the September 2nd Resolution and the Agreement shall remain in full force and effect and unchanged.

The Agreement is in the public's best interest because it will promote the health and safety of the general public by maintaining heating systems within specified parameters, thereby enhancing the health and safety of the public and County employees that utilize the Michaelian Office Building, the Low Rise and the Richard J. Daronco Courthouse.

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.

RESOLUTION

CONTRACT NO. 10-216

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

RESOLVED, that the resolution approved on September 2, 2010 (the "September 2nd Resolution"), which awarded Contract No. 10-216 to Unity Mechanical Corporation ("Unity") and authorized the County of Westchester (the "County") to enter into Contract No. 10-216 with Unity, pursuant to which Unity was to provide Boiler Maintenance Service for the Courthouse Heating Plant in White Plains, New York, for the amount of \$384,000.00, for the period November 1, 2010 through October 31, 2013, ("Contract No. 10-216" or the "Agreement"), is hereby amended to authorize the County to include in the Agreement the County's option to extend the term of the Agreement for two (2) additional one-year periods; and be it further

RESOLVED, that the County is authorized to amend the Agreement in order to exercise the County's option to extend the term of the Agreement for one (1) additional one-year period, and thereby, a.) increase the amount of the Agreement by \$128,000.00, from an amount of \$384,000.00 to an amount of \$512,000.00, and b.) extend the term of the Agreement from November 1, 2010 through October 31, 2013 to November 1, 2010 through October 31, 2014; and be it further

RESOLVED, that except as specifically amended hereby, all remaining terms and conditions of the September 2nd Resolution and the Agreement shall remain in full force and effect and unchanged; and be it further

RESOLVED that the County Executive or his duly authorized designee is hereby authorized to execute all documents and take all actions necessary to effectuate the purpose hereof.

Original Agreement	\$	384,000.00
This Amendment		<u>128,000.00</u>
TOTAL	\$	512,000.00

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	101	46	3200	4380		\$ 21,333.33 (2013)
	101	46	3200	4380		\$106,666.67 (2014)

Budget Funding Year(s) 2010-2014 **Start Date:** November 1, 2010
(must match resolution)

End Date: October 31, 2014

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

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

State Aid _____

\$128,000.00
(must match resolution) **Federal Aid** _____

Vendor No.: _____

Other _____

Encumbrance No.: _____