

36973

Date: November 15, 2013

To: The Honorable Board of Acquisition and Contract

From: John B. McCaffrey
Chief Information Officer

Thomas J. Lauro, P.E., Commissioner
Department of Environmental Facilities

Re: **Resolution authorizing the County of Westchester (the “County”) to amend an agreement with Gerhart Systems and Controls Corporation (IT-1178) to include hardware preventive maintenance for the scale house management system utilized by the Dept. of Environmental Facilities and extend the term of the agreement through December 31, 2016 and add \$64,472 for the cost of the maintenance and emergency repairs**

Pursuant to a resolution approved on October 28, 2010, the County entered into an agreement with Gerhart Systems and Controls Corporation (“Gerhart”) for a scale house management system to manage Westchester County’s solid waste operations for a term commencing on December 1, 2010 and terminating on February 28, 2016, for a total contract amount of \$211,016.00. The new system has been installed and became fully operational earlier this year. As the original agreement with Gerhart did not include maintenance of the hardware system, transmitted herewith is a resolution which, if approved by your Honorable Board, will authorize the County to amend the agreement to include hardware preventive maintenance for the period October 1, 2013 through December 31, 2016 and increase the contract dollar amount by an additional \$64,472 to cover the addition of the preventive maintenance and emergency repairs as needed.

Pursuant to Section 9 of the Westchester County Procurement Policy and procedures, and after reasonable investigation, it has been determined that Gerhart is the only practicable source for the provision of these maintenance services. Gerhart is the sole source for the provision of preventive maintenance services on Gerhart’s scale house management system procured by the County. The system is designed with a patented proprietary technology and Gerhart is the only authorized company with the patented parts and knowledge to perform this work. Since the procurement of maintenance on this system is not subject to public bidding, it is hereby recommended to your Honorable Board that this procurement be treated as a sole source.

The public purpose and goal of the proposed amendment is to ensure the continued efficiency of the County’s recycling and solid waste transfer facilities by providing for proper maintenance of the system. Maintaining the system properly demonstrates fiscal responsibility by providing for the continued automated operation of the system, thus saving manpower and minimizing human error.

The Department of Environmental Facilities will monitor the maintenance program provided by Gerhart.

Accordingly, it is recommended that your Honorable Board approve the attached resolution authorizing the amendment to the Agreement with Gerhart.

JBM/TJL/dm
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/12/2013 - JOMARY VIEIRA, SECRETARY

RESOLUTION

Upon a communication from the County's Chief Information Officer and the Commissioner, Department of Environmental Facilities, be it hereby:

RESOLVED, that the County of Westchester (the "County") is hereby authorized to amend an agreement with Gerhart Systems and Controls Corporation ("Gerhart") (IT-1178) to include hardware preventive maintenance for the period October 1, 2013 through December 31, 2016 and increase the contract dollar amount by an additional \$64,472 to cover the addition of the preventive maintenance and emergency repairs on an as needed basis (with labor and parts billed at then current rates published by Gerhart); and be it further

RESOLVED, that this procurement is deemed to be a sole source procurement; 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 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 either to 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 except as specifically amended hereby, all terms and conditions of IT-1178 shall remain the same and in full force and effect; and be it further

RESOLVED, that the that the County Executive or his duly authorized designee is hereby authorized to take such action and execute such documents as may be necessary and proper to effect the purposes hereof.

Original Agreement: \$ 211,016.00
This Amendment: \$ 64,472.00
 Total: \$ 275,488.00

Agreement IT-1178

Account to be Charged/credited	Year	Fund	Agency	Capital Project Or Org	Object/ Sub Object	Trust Account	Activity	Dollars
	2013	251	60	7100	4420			\$6,600
	2014	251	60	7100	4420			\$18,832
	2015	251	60	7100	4420			\$19,284
	2016	251	60	7100	4420			\$19,756

Budget Funding Year(s) 2011-2016 Start Date 3/1/16 End Date 12/31/16
 (must match resolution)

Funding Source Tax Dollars \$64,472
 State Aid _____
\$ 64,472
 (must match resolution) Federal Aid _____
 Other _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/12/2013 - JOMAR NEIRA, SECRETARY