

George Latimer
County Executive

64655

DATE: August 8, 2018

TO: Board of Acquisition and Contract

FROM: Kenneth W. Jenkins
Acting County Executive

Peter McCartt
Director of Energy Conservation and Sustainability

SUBJECT: Authority to enter into an agreement with NuEnergen, LLC, pursuant to which it will provide services concerning 'demand response' programs that relate to power usage at County facilities, for a term of five (5) years, commencing on September 1, 2018, with the County having the sole option to extend the term of the agreement for up to two (2) two (2) year periods thereafter.

Authority is requested for the County of Westchester (the "County") to enter into an agreement with NuEnergen, LLC ("NuEnergen"), pursuant to which NuEnergen will provide the County with services concerning 'demand response' programs that relate to power usage at County facilities (the "Services"), for a term of five (5) years, commencing on September 1, 2018, with the County having the sole option to extend the term of the agreement for up to two (2) two (2) year periods thereafter (the "Agreement").

Under the Agreement, the Services will include registering facilities of the County in certain 'demand response' programs for which the County and the said facilities are eligible, and professionally managing all aspects of the County's participation in those programs, including, without limitation, related monitoring, testing, and communications; the conduct of 'demand response' power-reduction events; and distribution of payments to the County.

Under the Agreement, in consideration of NuEnergen providing the Services, it will be entitled to retain seven and three-quarters percent (7.75%) of the amounts owed to the County based upon its participation in the 'demand response' programs, with the County being paid the remaining ninety-two and one-quarter percent (92.25%).

The proposed Agreement will serve a public purpose by providing the County with the professional services needed to facilitate its participation in certain 'demand response' programs for which the County and its various facilities are eligible, and thereby provide revenue to the County.

The goal and objective of the proposed Agreement is to providing the County with the professional services needed to facilitate its participation in certain 'demand response' programs for which the County and its various facilities are eligible, and thereby provide revenue to the County.

The goal and objective of the proposed Agreement is in the best interests of the County in terms of fiscal responsibility, as providing the County with the professional services needed to facilitate its participation in certain 'demand response' programs for which the County and its various facilities are eligible, will provide revenue to the County.

The goal and objective of the proposed Agreement will be tracked and monitored by the Office of County Executive.

Authority to exempt the proposed Agreement from the requirements of the Westchester County Procurement Policy, pursuant to Section 3(a)(xxi) thereof, has been submitted to your Honorable Board by a separate resolution of even date herewith.

I respectfully recommend the adoption of the attached resolution.

PM/bdm/nn

APPROVED BOARD OF ACQUISITION & CONTRACTS 04/16/2018 - L. S. MARIJAJ, SECRETARY

RESOLUTION

Upon a communication from the Acting County Executive and the Director of Energy Conservation and Sustainability, be it hereby

RESOLVED, that the County of Westchester (the "County") is hereby authorized to enter into an agreement with NuEnergen, LLC ("NuEnergen"), pursuant to which NuEnergen will provide the County with services concerning 'demand response' programs that relate to power usage at County facilities (the "Services"), for a term of five (5) years, commencing on September 1, 2018, with the County having the sole option to extend the term of the agreement for up to two (2) two (2) year periods thereafter (the "Agreement"); and be it further

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RESOLVED, that the County Executive or his duly authorized designee is hereby authorized to execute any documents and take any actions reasonably necessary and appropriate to effectuate the purposes of this Resolution.

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
101	46	1000	9289		
161	44	4110	9289		
221	60	0110	9289		
241	60	5110	9289		
243	60	5310	9289		
251	60	7100	9289		

Budget Funding Year(s): _____ Start Date: 09/01/18 End Date: 08/31/23
 (must match resolution)

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