



# Westchester Community College

State University of New York

**74721**

**TO:** Board of Acquisition and Contract

**FROM:** Dr. Belinda S. Miles  
President, Westchester Community College

**DATE:** February 19, 2020

**SUBJECT:** Resolution to Rescind Award to the Low Bidder,  
Konica Minolta Business Solutions U.S.A., Inc.,  
and  
Award to the Second Lowest Bidder, CBS, A Xerox Company  
Contract No. **WCC-19-638**  
Digital Copier Service  
Westchester Community College  
Westchester County, New York  
Contractor: CBS, A Xerox Company  
Amount: \$1,133,700.00

By Resolution approved on December 12, 2019 (the December 12<sup>th</sup> Resolution), your Honorable Board awarded Contract No. WCC-19-638, between the County of Westchester (“County”), acting by and through its Westchester Community College (“College”) to the apparent low bidder, Konica Minolta Business Solutions U.S.A., Inc. (“Konica”) for Digital Copier Service, Westchester Community College, Westchester County, New York.

Following approval by your Honorable Board, but before contract execution, the County became aware of the fact that Konica submitted its bid on October 30, 2019 with certain changes to the bid specifications. These changes constituted a material and substantial variance from the bid specification; thus, making Konica’s bid non-responsive. Therefore, I respectfully request that your Honorable Board rescind the contract award made to Konica pursuant to the December 12<sup>th</sup> Resolution.

In addition, the College has reviewed and investigated the bid of the second lowest bidder, CBS, A Xerox Company. The College has determined that CBS, A Xerox Company submitted the second lowest bid in the amount of \$1,133,700.00, and it found that CBS A Xerox Company:

- 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

It is, therefore, my recommendation that Contract WCC-19-638 be awarded to the second lowest bidder, CBS, A Xerox Company, for Digital Copier Service for a five (5) year period for a not to exceed amount of \$1,133,700.00, payable on a per copy basis at the rates set forth in the attached Bid Response sheet. The pricing shall be adjusted annually by the percentage change in the CPI.

The College will track the services supplied by the contractor and perform on-site inspections to ensure the successful completion of this contract.

This Resolution has been reviewed by the Law Department.

BSM/ran

# RESOLUTION

## CONTRACT NO. WCC-19-638

Upon communication from the President, Westchester Community College,

**WHEREAS**, on December 12, 2019, your Honorable Board awarded Contract No. WCC-19-638 for Digital Copier Services between the County of Westchester (“County”), acting by and through its Westchester Community College (“College”) to the apparent low bidder, Konica Minolta Business Solutions, U.S.A., Inc. (“Konica”) 27 West Main Street, Tarrytown, New York 10591, for Digital Copier Service; and

**WHEREAS**, following approval by your Honorable Board but before contract execution, the County became aware of the fact Konica Minolta Business Solutions, U.S.A., Inc.’s bid contained changes to specifications that were substantial and material, making Konica Minolta Business Solutions, U.S.A., Inc.’s bid non-responsive; and

**WHEREAS**, the College seeks approval to rescind the award of Contract WCC-19-638 to Konica Minolta Business Solutions, U.S.A., Inc.; and

**WHEREAS**, the College investigated, reviewed and determined that CBS, A Xerox Company submitted the second lowest bid in the amount of \$1,133,700.00 and recommends Contract WCC-19-638 be awarded to CBS, A Xerox Company for Digital Copier Service, for a five (5) year period for a not to exceed amount of \$1,133,700.00, payable on a per copy basis at the rates set forth in the attached Bid Response sheet. The pricing shall be adjusted annually by the percentage change in the CPI; now, therefore, be it

**RESOLVED**, that the award of Contract No. WCC-19-638 for Digital Copier Service, Westchester Community College, Westchester County, New York, by Resolution approved on December 12, 2019 to the Konica Minolta Business Solutions, U.S.A., Inc., be and is hereby rescinded; and be it further

**RESOLVED**, that Contract No. WCC-19-638 for Digital Copier Service, Westchester Community College, Westchester County, New York be and is hereby awarded to the second lowest bidder, CBS, A Xerox Company, for Digital Copier Service for a five (5) year period for a not to exceed amount of \$1,133,700.00, payable on a per copy basis at the rates set forth in the attached Bid Response sheet. The pricing shall be adjusted annually by the percentage change in the CPI; and be it further

**RESOLVED**, that this contract is subject to County appropriations; 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.

Year	Fund	Dept	Major Program, Program & Phase or Unit	Object Sub-Object	Trust	Dollars
19/20	10	250		4070-01		\$75,391.48
19/20	703	9110		4070-01		\$4,765.00
19/20	701	8121		4070-01		\$1,101.44
19/20	701	8211		4070-01		\$2,202.83
19/20	701	8216		4070-01		\$2,202.83
19/20	701	8191		4070-01		\$2,202.83
19/20	701	8221		4070-01		\$2,202.83
19/20	701	8156		4070-01		\$960.41
19/20	701	8501		4070-01		\$1,101.44
19/20	701	8102		4070-01		\$1,101.44
19/20	701	8157		4070-01		\$140.97
19/20	703	9075		4070-01		\$1,101.44

20/21	10	250		4070-01		\$180,939.55
20/21	703	9110		4070-01		\$11,435.99
20/21	701	8121		4070-01		\$2,643.43
20/21	701	8211		4070-01		\$5,286.80
20/21	701	8216		4070-01		\$5,286.80
20/21	701	8191		4070-01		\$5,286.80
20/21	701	8221		4070-01		\$5,286.80
20/21	701	8156		4070-01		\$2,305.13
20/21	701	8501		4070-01		\$2,643.43
20/21	701	8102		4070-01		\$2,643.43
20/21	701	8157		4070-01		\$338.33
20/21	703	9075		4070-01		\$2,643.46

21/22	10	250		4070-01		\$180,939.55
21/22	703	9110		4070-01		\$11,435.99
21/22	701	8121		4070-01		\$2,643.43
21/22	701	8211		4070-01		\$5,286.80
21/22	701	8216		4070-01		\$5,286.80
21/22	701	8191		4070-01		\$5,286.80
21/22	701	8221		4070-01		\$5,286.80
21/22	701	8156		4070-01		\$2,305.13
21/22	701	8501		4070-01		\$2,643.43
21/22	701	8102		4070-01		\$2,643.43
21/22	701	8157		4070-01		\$338.33
21/22	703	9075		4070-01		\$2,643.46

22/23	10	250		4070-01		\$180,939.55
22/23	703	9110		4070-01		\$11,435.99
22/23	701	8121		4070-01		\$2,643.43
22/23	701	8211		4070-01		\$5,286.80
22/23	701	8216		4070-01		\$5,286.80
22/23	701	8191		4070-01		\$5,286.80
22/23	701	8221		4070-01		\$5,286.80
22/23	701	8156		4070-01		\$2,305.13
22/23	701	8501		4070-01		\$2,643.43
22/23	701	8102		4070-01		\$2,643.43
22/23	701	8157		4070-01		\$338.33
22/23	703	9075		4070-01		\$2,643.46

23/24	10	250		4070-01		\$180,939.61
23/24	703	9110		4070-01		\$11,435.99
23/24	701	8121		4070-01		\$2,643.43
23/24	701	8211		4070-01		\$5,286.80

23/24	701	8216		4070-01		\$5,286.80
23/24	701	8191		4070-01		\$5,286.80
23/24	701	8221		4070-01		\$5,286.80
23/24	701	8156		4070-01		\$2,305.13
23/24	701	8501		4070-01		\$2,643.43
23/24	701	8102		4070-01		\$2,643.43
23/24	701	8157		4070-01		\$338.33
23/24	703	9075		4070-01		\$2,643.46
24/25	10	250		4070-01		\$105,548.23
24/25	703	9110		4070-01		\$6,670.99
24/25	701	8121		4070-01		\$1,542.02
24/25	701	8211		4070-01		\$3,083.97
24/25	701	8216		4070-01		\$3,083.97
24/25	701	8191		4070-01		\$3,083.97
24/25	701	8221		4070-01		\$3,083.97
24/25	701	8156		4070-01		\$1,344.66
24/25	701	8501		4070-01		\$1,542.02
24/25	701	8102		4070-01		\$1,542.02
24/25	701	8157		4070-01		\$197.36
24/25	703	9075		4070-01		\$1,542.02

**Budget Funding Year(s)** 2019/25 **Start Date:** March 23, 2020 **End Date:** March 22, 2025

(must match resolution)

**Funding Source:** **Tax Dollars** \$272,088.00  
**No./**

1164954

**State Aid** \$317,436.00

\$1,133,700.00 **Federal Aid** \_\_\_\_\_  
(must match resolution)

**Other** \$544,176.00

**Contractor Federal I.D.**

**Social Security No.:** 06-

**Vendor No.:** \_\_\_\_\_

**Encumbrance No.:** \_\_\_\_\_