

77165

**TO:** Board of Acquisition and Contract

**FROM:** Hugh J. Greechan, Jr., P.E.  
Commissioner of Public Works and Transportation

**DATE:** June 10, 2020

**SUBJECT:** Authority to extend the term of an agreement with Johnson Controls, Inc. for Countywide Boiler Maintenance for a one (1) year period through June 30, 2021 and increasing the amount of the agreement by \$308,175.00 due to the COVID-19 pandemic (Contract No. 15-205)

On June 11, 2015, your Honorable Board awarded Contract No. 15-205 to Johnson Controls, Inc. ("Johnson Controls") and authorized the County of Westchester (the "County") to enter into Contract No. 15-205 with Johnson Controls to provide Countywide Boiler Maintenance, Westchester County, New York, for the amount of \$924,525.00 for the period of July 1, 2015 through June 30, 2018, ("the Agreement"), with the County having the sole option to extend the Agreement for one (1) two (2) year option period.

On February 1, 2018, your Honorable Board authorized the County to exercise the two (2) year renewal option, and thereby, a.) increased the amount of the Agreement by \$616,350.00 from an amount of \$924,525.00 to a new amount of \$1,540,875.00, and b.) extended the termination date of the Agreement from June 30, 2018 to June 30, 2020.

Due to the current COVID-19 pandemic and inability to give prospective bidders the necessary access to assess the equipment, the County is unable to bid out this service. Therefore, the County now seeks authority from your Honorable Board to extend this Agreement for one (1) year and thereby, a.) increasing the amount of the Agreement by \$308,175.00 from an amount of \$1,540,875.00 to a new amount of \$1,849,040.00, and b.) extending the termination date of the Agreement from June 30, 2020 to June 30, 2021. All other terms and conditions of the Agreement will remain in full force and effect.

The present circumstance arose due to the pandemic, which is out of the County's control, and the County cannot go without the maintenance services for any period of time. As a result, in consultation with the Law Department, I have determined that this is a condition that was unforeseen, affects the life, health, and safety the inhabitants of the County, and obtaining these services requires immediate action that cannot await competitive bidding. Therefore, this situation meets the legal requirements for an emergency contract under Section 167.171(5) of the Laws of Westchester County and Section 103(4) of the New York General Municipal Law. I declared an emergency by a memorandum that has been submitted to your Honorable Board, in accordance with Section 167.171(3) of the Laws of Westchester County.

This contract is in the public's best interest because it will promote the health and safety of the general public by allowing County Facilities to remain operational.

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.

HJG/dv

APPROVED BOARD OF ACQUISITION & CONTRACT - 06/18/2020 - LISA MRIJAJ, SECRETARY

# RESOLUTION

## CONTRACT NO. 15-205

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

**RESOLVED**, that the County of Westchester (the "County") is authorized to amend Contract No. 15-205 with Johnson Controls, Inc., 8 Skyline Drive, Hawthorne, New York 10532, to provide Countywide Boiler Maintenance, Westchester County, New York (the "Agreement") in order to a.) increase the amount of the Agreement by \$308,175.00 from an amount of \$1,540,875.00 to a new amount of \$1,849,040.00, and b.) extend the termination date of the Agreement from June 30, 2020 to June 30, 2021; and be it further

**RESOLVED**, that except as specifically amended hereby, all remaining terms and conditions of the Agreement shall remain in full force and effect; 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	\$	924,525.00
Prior Amendment	\$	616,350.00
This Amendment	\$	<u>308,175.00</u>
TOTAL	\$	1,849,040.00

# RESOLUTION

## CONTRACT NO. 15-205

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	101	46	3200	4380		\$ 9,539.00 (2020)
	101	46	3300	4380		\$ 27,590.50 (2020)
	101	46	3400	4380		\$ 16,097.00 (2020)
	101	46	6500	4380		\$ 1,377.00 (2020)
	161	44	4110	4380		\$ 13,055.00 (2020)
	165	42	5520	4380		\$ 5,073.50 (2020)
	165	42	5540	4380		\$ 2,754.00 (2020)
	165	42	1100	4380		\$ 72,024.50 (2020)
	165	42	7150	4380		\$ 6,577.00 (2020)
	101	46	3200	4380		\$ 9,539.00 (2021)
	101	46	3300	4380		\$ 27,590.50 (2021)
	101	46	3400	4380		\$ 16,097.00 (2021)
	101	46	6500	4380		\$ 1,377.00 (2021)
	161	44	4110	4380		\$ 13,055.00 (2021)
	165	42	5520	4380		\$ 5,073.50 (2021)
	165	42	5540	4380		\$ 2,754.00 (2021)
	165	42	1100	4380		\$ 72,024.50 (2021)
	165	42	7150	4380		\$ 6,577.00 (2021)

**Budget Funding Year(s):** 2020-2021  
(must match resolution)

**Start Date:** July 1, 2020

**End Date:** June 30, 2021

**Funding Source:**

**Tax Dollars** \$282,065.00 County

**State Aid** \_\_\_\_\_

**Federal Aid** \_\_\_\_\_

**Other** \$26,110.00 Airport Special Revenue Fund

\$308,175.00  
(must match resolution)

APPROVED BOARD OF ACQUISITION & CONTRACT ADMINISTRATION LISA S. JAJA SECRETARY