

TO: Board of Acquisition and Contract
FROM: John J. Hsu, PE
Acting Commissioner of Public Works
DATE: April 27, 2010
SUBJECT: Authority to enter into an agreement with the United States Department of Energy to accept a grant in the amount of \$4,508,600.00 for the purpose of funding part of the County's implementation of its Energy Efficiency and Conservation Strategy. (Agreement #10-903)

As your Honorable Board may know, the County of Westchester (the "County") applied for a grant from the United States Department of Energy (the "USDOE") under the Energy Efficiency & Conservation Block Grant (the "EECBG") program. The County sought these grant funds in order to fund part of the implementation of its Energy Efficiency and Conservation Strategy.

The County was recently notified by the USDOE that it has been awarded \$4,508,600.00 based on its grant application. Accordingly, the agreement by which the County must accept the grant award is for an amount not-to-exceed \$4,508,600.00, and for the period from December 3, 2009 through December 2, 2012.

As part of the agreement, the USDOE's authorized representatives will have the right to make site visits at reasonable times to review project accomplishments and management control systems and to provide technical assistance, if required. Accordingly, the County will be required to provide reasonable access to facilities, office space, resources, and assistance for the safety and convenience of the USDOE's representatives in the performance of their duties. The County will also have to abide by the reporting requirements specified in the Federal Assistance Reporting Checklist, which will be attached to the agreement, and the reporting requirements of the American Recovery and Reinvestment Act of 2009 ("ARRA"). In addition to the aforementioned ARRA reporting requirements, the County will have to abide by all other terms of ARRA, as articulated in the Act and the agreement, including requirements for site access and records access.

The proposed agreement will serve a public purpose by providing the financial resources needed to fund part of the implementation of the County's Energy Efficiency and Conservation Strategy and thereby advance the goals of energy efficiency and conservation.

The goals and objectives of the proposed agreement are to provide the financial resources necessary for the County to fund part of the implementation of its Energy Efficiency and Conservation Strategy, which includes the following elements:

- a.) development of an energy audit and greenhouse gas ("GHG") inventory and scoping plan for the County government, consistent with the Westchester Action Plan for Climate Change and Sustainable Development and County policy;
- b.) promoting and funding residential energy audits by certified energy auditors;
- c.) upgrades to the building management system at County facilities;
- d.) installation of solar photovoltaic systems at the Low Rise Building and Department of Emergency Services Support Services Building;
- e.) energy efficiency upgrades to the Westchester County Center;

- f.) development of a web-based GHG reporting program and tool available to all sectors County-wide (business, local, government, K-12, higher education and households) to collect and report yearly progress; and
- g.) development of a GHG and energy use reduction management plan and tools to guide the County in its future GHG inventories and energy use.

If this proposed agreement is approved, items c) and e) above will change the financing in County Capital projects as follows:

1. Capital Project B0071, *Modifications to Building Management Systems, DPW*, will require a capital budget amendment to change the financing from Bonds to Non-County Shares in the amount of \$1,500,000.00.
2. Capital Project RCC04, *County Center Interior Rehabilitation and Systems Upgrade*, will require a capital budget amendment to increase the total estimated cost of the project offset by Non-County Shares in the amount of \$2,000,000.00.

The capital budget amendments reflecting these additional sources of revenue will be submitted after approval of this resolution, and upon execution of the agreement with the USDOE and final allocation of funds by the USDOE.

The goals and objectives of the proposed agreement are in the best interests of the County in terms of fiscal responsibility, as the proposed agreement will provide the County with federal funding that will reduce the amount of County funds that the County will have to use to fund the intended implementation of its Energy Efficiency and Conservation Strategy.

The goals and objectives of the proposed agreement will be tracked and monitored via the EECBG program and ARRA reporting requirements.

If this resolution were not approved, the County would not receive the federal grant money that has been made available to it and would, accordingly, have to either eliminate part of its Energy Efficiency and Conservation Strategy or self-fund implementation of the entire Energy Efficiency and Conservation Strategy.

The proposed form of Resolution to accomplish the foregoing is attached hereto.

RESOLUTION

Upon a communication from the Acting Commissioner of Public Works, be it hereby:

RESOLVED, that the County of Westchester (the "County") is hereby authorized to enter into an agreement with the United States Department of Energy ("USDOE"), to accept a grant in an amount not-to-exceed \$4,508,600.00, for the period from December 3, 2009 through December 2, 2012, for the purpose of funding part of the County's implementation of its Energy Efficiency and Conservation Strategy; and be it further

RESOLVED, that the County Executive or his authorized designee is hereby authorized to execute all instruments and take all actions reasonably necessary to implement this Resolution.

APPROVED BOARD OF ACQUISITION & CONTRACT - 5-6-2010 - JOMARY VIEIRA, SECRETARY

Agreement No. 10-903

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub Object	Trust Account	Dollars
	263	46	023K	8674	T023	\$ 375,000.00
	263	46	023K	8675	T023	\$ 200,000.00
	263	46	023K	8676	T023	\$1,500,000.00
	263	46	023K	8677	T023	\$2,000,000.00
	263	46	023K	8678	T023	\$ 86,000.00
	263	46	023K	8679	T023	\$ 347,600.00

Budget Funding Year(s): 2009-2012 Start Date: 12/03/09 End Date: 12/02/12
 (must match resolution)

Funding Source: Tax Dollars: _____ Contractor Federal I.D. No./
 State Aid: _____ Social Security No.: _____
 \$ 4,508,600.00 Federal Aid: 100% USDOE EECBG Vendor No.: _____
 (must match resolution) Other: _____ Encumbrance No.: _____