

George Latimer
County Executive

81139

DATE: December 1, 2020

TO: Board of Acquisition and Contract

FROM: George Latimer
County Executive

Peter McCartt
Director of Energy Conservation and Sustainability

SUBJECT: Resolution to exempt from the Westchester County Procurement Policy and Procedures, pursuant to Section 3(a)(xxi) thereof, the procurement of an agreement with NuEnerg, LLC, pursuant to which it will perform historical energy invoice audit services.

Authority is hereby requested from your Honorable Board to exempt from the Westchester County Procurement Policy and Procedures, pursuant to Section 3(a)(xxi) thereof, the procurement of an agreement by the County of Westchester (the "County") with NuEnerg, LLC ("NuEnerg"), pursuant to which NuEnerg will perform historical energy invoice audit services (the "Agreement").

Under the Agreement, NuEnerg will seek to find and resolve, to the County's benefit, billing errors that have occurred in the past, and may still be occurring, and thereby achieve savings on the County's energy costs.

As a result of a separate contract with NuEnerg for services concerning 'demand response' programs that relate to power usage at County facilities, the County has an existing business relationship with NuEnerg, through which NuEnerg has an established working knowledge of County energy usage, accounts, personnel, facilities, and infrastructure. Based upon that knowledge, and NuEnerg's extensive experience with the New York Power Authority, NuEnerg will be able to proceed with the provision of the historical energy invoice audit services more quickly than would be possible for any other entity. This is an important consideration, as the County desires for the contractor for the historical energy invoice audit services to proceed, without delay, with the steps necessary to recover amounts to which the County is entitled.

Therefore, it is proposed that the best interests of the County would be served by exempting the procurement of the proposed Agreement from the Westchester County Procurement Policy and Procedures, pursuant to Section 3(a)(xxi) thereof. Accordingly, a resolution to exempt this procurement is hereby submitted for your consideration.

PM/bdm/nn

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/10/2020 - LISA MRIJAS SECRETARY

RESOLUTION

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

RESOLVED, that pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, it is hereby determined that application of the procedural requirements contained therein, including the necessity of soliciting proposals, is neither cost effective nor expedient, and accordingly, not in the best interests of the County of Westchester in connection with the procurement of an agreement with NuEnergen, LLC (“NuEnergen”), pursuant to which NuEnergen will perform historical energy invoice audit services.

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/10/2020 - USMIRIAJ, SECRETARY