

George Latimer  
County Executive

**81140**

DATE: December 1, 2020

TO: Board of Acquisition and Contract

FROM: George Latimer  
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 perform historical energy invoice audit services, for a term of one year, commencing upon execution, for a contingent fee and at no other cost to the County.

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Authority is requested for the County of Westchester (the "County") to enter into an agreement (the "Agreement") with NuEnergen, LLC ("NuEnergen"), pursuant to which NuEnergen will perform historical energy invoice audit services, for a term of one year, commencing upon execution, for a contingent fee based upon the total amount of billing errors found and resolved to the benefit of the County during the full term of the Agreement (the "Amount"), as follows:

<u>Range</u>	<u>Fee</u>
For the first \$499.99 of the Amount:	No Fee
For \$500.00 through \$99,999.99 of the Amount:	25.0% of the Amount in that range
For \$100,000.00 through \$249,999.99 of the Amount:	22.5% of the Amount in that range
For \$250,000.00 and up of the Amount:	20.0% of the Amount in that range

The proposed Agreement will serve a public purpose by providing the County with the services it needs in order to find and resolve, to its benefit, billing errors that have occurred in the past, and may still be occurring, and thereby achieve savings on its energy costs.

The goal and objective of the proposed Agreement is to providing the County with the services it needs in order to find and resolve, to its benefit, billing errors that have occurred in the past, and may still be occurring, and thereby achieve savings on its energy costs.

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 services it needs in order to find and resolve, to its benefit, billing errors that have occurred in the past, and may still be occurring, is expected to result in a financial benefit to the County in terms of its energy costs..

The goal and objective of the proposed Agreement will be tracked and monitored by the Director of Energy Conservation and Sustainability.

Authority to exempt the procurement of the proposed Agreement from the requirements of the Westchester County Procurement Policy and Procedures, 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/nm

APPROVED BOARD OF ACQUISITION & CONTRACT - 11/10/2020

USP-MRIJAS SECRETARY

**RESOLUTION**

Upon a communication from the 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 perform historical energy invoice audit services, for a term of one year, commencing upon execution, for a contingent fee based upon the total amount of billing errors found and resolved to the benefit of the County during the full term of the Agreement (the "Amount"), as follows:

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; and be it further

**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
					N/A

Budget Funding Year(s): \_\_\_\_\_ Start Date: Upon Execution End Date: One Year From Execution  
 (must match resolution)

Funding Source \_\_\_\_\_ Tax Dollars: \_\_\_\_\_  
 N/A \_\_\_\_\_ State Aid: \_\_\_\_\_  
 (must match resolution) Federal Aid: \_\_\_\_\_  
 Other: \_\_\_\_\_