

**87110**

DATE: August 24, 2021

TO: Board of Acquisition and Contract

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

SUBJECT: Authority to enter into a zero cost non-disclosure agreement with New Flyer Incorporated related to the procurement of 35-foot electric transit buses.  
(Agreement No. DOTCAP 06-21)

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Authority is requested for the County of Westchester (the "County") to enter into a zero cost non-disclosure agreement with New Flyer Incorporated ("New Flyer"), related to the procurement of transit buses. The proposed agreement will be for a term of five (5) years commencing upon execution.

On January 13, 2021 the County, acting through the Bureau of Purchase and Supply, executed a purchase order to procure two (2) 35-Foot, Low Floor, Heavy Duty Electric Transit Buses and related equipment (the "Buses"). In connection with this procurement, it is necessary for New Flyer to provide the County with certain information deemed confidential by the manufacturer, including but not limited to information about its finances, costs, profits, markets, sales, customers, potential customers, employees, financial statements, manuals, formulae, data bases, computer programs, technical expertise, software, machines, inventions, research, engineering methods, practices, processes, designs, products, projects and improvements. New Flyer has requested that the County sign an agreement prohibiting disclosure of such information except if legally required.

The proposed agreement will serve a public purpose by allowing the County and New Flyer to conduct the procurement in such a way as to provide the County with exactly what it needs in terms of the new buses and related equipment.

The goal and objective of the proposed agreement is to establish the parameters to manage confidential information related to the new buses being manufactured by New Flyer.

The goal and objective of the proposed Agreement will be tracked and monitored by the staff of the Department of Public Works and Transportation.

I respectfully recommend the adoption of the attached resolution.

# RESOLUTION

## Agreement No. DOTCAP 06-21

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

**RESOLVED**, that the County of Westchester (the "County") is hereby authorized to enter into a non-disclosure agreement with New Flyer Incorporated ("New Flyer"), related to the procurement of 35-foot electric transit buses; and be it further

**RESOLVED**, that the agreement shall be for a term of five (5) years commencing upon execution; and be it further

**RESOLVED**, that there are no costs associated with this agreement; 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): N/A Start Date: Upon Execution End Date: Five Years After Execution Date  
(must match resolution)

Funding Source: Tax Dollars: N/A

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

\$ N/A Federal Aid \_\_\_\_\_  
(must match resolution)

Other \_\_\_\_\_

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