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87477

TO: Board of Acquisition and Contract

FROM: Reginald A. LaFayette
Commissioner of Board of Elections

Douglas A. Colety
Commissioner of Board of Elections

DATE: September 9, 2021

SUBJECT: Resolution authorizing the County of Westchester ("County") to amend an agreement with East Side Movers, Inc. for moving and storage services for lever voting machines from January 1, 2019 to December 31, 2021 in an amount not to exceed \$42,000.00, in order to increase the agreement by \$7,025.00 for a total amount not to exceed \$49,025.00.

Pursuant to a resolution approved by your Honorable Board on January 31, 2019, the County entered into an agreement with East Side Movers, Inc. for moving and storage services for approximately two hundred fifty (250) lever voting machines along with any and all miscellaneous items related to voting machines for the term January 1, 2019 to December 31, 2021 in an amount not to exceed \$42,000.00, payable pursuant to an approved budget and subject to appropriation (the "Agreement"). Due to an increase in the required storage of lever voting machines and miscellaneous items, authority is now requested to increase the amount of the Agreement by \$7,025.00, for a new total amount not to exceed of \$49,025.00. All other terms and conditions of the Agreement shall remain in full force and effect.

Pursuant to New York State Election Law, the County is required to retain control of the old lever machines and the County does not have the necessary space to house these machines in County owned facilities. Since the County does not have sufficient space to house all the machines that the law requires, it has in the past contracted with a private warehouse to store these machines. Additional machines have been added to the current number of machines as local municipalities turn them over to the County.

The Agreement was entered into in accordance with the Westchester County Procurement Policy, as quotations were solicited from two (2) entities and East Side Movers, Inc. submitted the lowest price and has

satisfactorily performed services on behalf of the County in the past. The additional funds currently being requested are required for storage for lever voting machines and miscellaneous items.

The objective of the proposed amendment is in the County's best interest since it will authorize the County to store the lever style voting machines in accordance with New York State Election Law, thus, avoiding any possible fines and/or penalties. The vendor's performance will be tracked by the monthly review and payment of invoices along with the periodic review of the condition of the voting machines by Board of Elections staff.

Accordingly, your favorable action on the annexed Resolution is most respectfully urged and recommended.

RAL/DAC/di
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 09/16/2021 - JOAN COCCARDI, SECRETARY

RESOLUTION

Upon a communication from the Commissioners of the Board of Elections, be it hereby

RESOLVED, that the County of Westchester (the "County") is authorized to amend an agreement with East Side Movers, Inc. for moving and storage services of lever voting machines for the term January 1, 2019 to December 31, 2021, in an amount not to exceed \$42,000.00 (the "Agreement") in order to increase the amount of the Agreement by \$7,025.00 for a new total amount not to exceed \$49,025.00; and be it further

RESOLVED, that all other terms and conditions of the Agreement shall remain in full force and effect; and be it further

RESOLVED, that this Agreement is subject to County appropriations; and be it further

RESOLVED, that this Agreement is also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Firm, then the Firm shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further.

RESOLVED, that the County Executive, or his duly authorized designee, is hereby authorized to execute such documents and take actions as may be necessary and appropriate to effectuate the purposed hereof.

Original Agreement: \$42,000
 This Amendment 7,025
 TOTAL: \$49,025

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	101	14	1000	4380		\$7,025.00

Budget Funding Year(s) **2019 – 2021** Start Date: **01/01/2019** End Date: **12/31/2021**
 (must match resolution)

Funding Source Tax Dollars **\$7,025.00**
 State Aid _____
\$7,025.00 Federal Aid _____
 (must match resolution) Other _____