

96047

TO: Board of Acquisition and Contract

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

DATE: September 20, 2022

SUBJECT: Authority to again amend the Resolution approved on September 5, 2019 which authorized the County of Westchester to enter into Customer Installation Commitments or Customer Project Commitments with the New York Power Authority for the study, design and construction of various energy efficiency projects from August 1, 2019 through December 31, 2030, to increase the not to exceed amount of the projects by \$1,130,000.00 thereby increasing the total amount authorized to an aggregate amount not-to-exceed \$28,261,000.00.

The County of Westchester ("County") purchases electricity for its own use from the Power Authority of the State of New York, also known as the New York Power Authority ("NYPA"), 123 Main Street, White Plains, New York 10601. The agreement under which the County purchases such electricity provides, among other things, that NYPA and the County will work in partnership to identify energy efficiency projects and clean energy technology projects at County facilities and will undertake such projects as are deemed economically feasible and agreeable to the parties.

On July 18, 2019 your Honorable Board authorized the County to enter into an Energy Services Program Master Cost Recovery Agreement (the "Master Agreement") with NYPA, the terms of which govern any and all other agreements, known as Customer Installation Commitments or Customer Project Commitments ("CIC/CPCs"), with NYPA for the study, design and construction of Energy Efficiency and Clean Energy Projects at various County facilities, for the period of May 1, 2019 through April 30, 2024 with the County having the sole option to renew the Master Agreement for an additional five years.

On September 5, 2019 your Honorable Board authorized the County to enter into CIC/CPCs with NYPA for the study, design and construction of the various energy efficiency projects listed below, from August 1, 2019 through December 31, 2030, in an aggregate amount not to exceed \$25,256,000.00 (the "September 5, 2019 Resolution").

- BMS Upgrades (B0071)
- 112 East Post Road Boiler Replacement (B0098)
- 85 Court Street Improvements (B0108)
- Asset Management Plan (B0110)
- White Plains Complex LED Lighting Upgrade
- Public Labs Building Cooling Tower Replacement (B0112)
- DOC G-Block Window Replacement (BCR55)
- DOC HQ Rooftop Air Handling Unit Replacement (BCR57)
- County Center Lighting (RCC15)
- Airport Boiler Replacement Program (A0113)
- Airport Terminal HVAC Upgrades (A0134)

On February 10, 2022, the September 5, 2019 Resolution was amended to provide for additional work that was identified for both the 112 East Post Road Boiler Replacement project (B0098) and the Public Labs Building Cooling Tower Replacement project (B0112) for an additional cost not to exceed \$1,875,000.00, bringing the total CIC/CPCs cost to a not to exceed amount of \$27,131,000.00. On June 9, 2022, a second amendment to the September 5, 2019 Resolution was authorized to add the DOC K-Block Window Replacement Project at no additional cost to the County.

The 85 Court Street Improvements Project (B0108) was included in the list of projects identified in the September 5, 2019 Resolution. B0108 includes the 85 Court Street Cooling Towers Replacement Project. The CIC/CPC Agreement for the 85 Court Street Cooling Towers Replacement Project has not yet been executed. NYPA has received bids for the Project, and the lowest bid received exceeded the estimated budget by more than \$1,100,000.00 as a result of inflation and other unforeseen factors. The cooling towers and associated equipment are past their useful life and in need of replacement. Their replacement will improve energy efficiency, leading to reductions in energy consumption and the County's carbon footprint, as well as the realization of energy cost savings.

Authority of your Honorable Board is therefore requested for a third amendment to the September 5, 2019 Resolution, in order to provide for increased costs due to inflation in connection with 85 Court Street Improvements Project (B0108) and to increase the not to exceed amount of the energy efficiency projects by \$1,130,000.00, thereby increasing the total amount authorized to an aggregate amount not-to-exceed \$28,261,000.00. The completion date of the projects shall remain December 31, 2030.

This work will benefit the public as it will reduce the County's utility costs, improve energy efficiency, and help reduce the County wide carbon footprint.

The Department will track scheduling and accomplishments by NYPA and perform on-site inspections to ensure the successful completion of this project.

These CIC/CPCs are exempt from the procedures of the Westchester County Procurement Policy and Procedures under Section 3(a)(iii) thereof.

Your approval of the attached Resolution is respectfully requested.

HJG/GMK/JPI/jr

RESOLUTION

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

RESOLVED, that the resolution approved by the Westchester County Board of Acquisition and Contract on September 5, 2019 (the "September 5, 2019 Resolution") authorizing the County of Westchester (the "County") to enter into Customer Installation Commitments or Customer Project Commitments with the New York Power Authority for the study, design and construction of the various energy efficiency projects from August 1, 2019 through December 31, 2030 is hereby amended for a third time in order to provide for increased costs in connection with the 85 Court Street Improvements Project (B0108), by increasing the not to exceed amount of the various energy efficiency projects set forth in the September 5, 2019 Resolution by \$1,130,000.00, and thereby increasing the total amount authorized to an aggregate amount not-to-exceed \$28,261,000.00; and be it further

RESOLVED, that all other provisions of the September 5, 2019 Resolution, as amended by the resolutions dated February 10, 2022 and June 9, 2022, respectively, shall remain in full force and effect; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized and empowered to execute any and all documents necessary or appropriate to effectuate the purposes hereof.

Original Resolution	\$	25,256,000.00	(Various Energy Efficiency Projects)
First Amendment		1,875,000.00	(Add 112 E Post Rd Boiler Repl./Public Labs Bldg Cooling Twr Repl)
Second Amendment		0.00	(Add DOC K-Block Window Replacement at No Additional Cost)
This Amendment		1,130,000.00	(Add Increased Cost for 85 Court Street Improvements)
TOTAL	\$	28,261,000.00	

Agreement No. 19-921

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub Object	Bond Act No.	Dollars
	346	46	B0108-03-S	6120-02	BA #102-2022	\$1,130,000.00

Budget Funding Year(s): 2022 Start Date: 8/1/2019 End Date: 12/31/2030
(must match resolution)

Funding Source:	Tax Dollars:	<u>100% County</u>	Contractor Federal I.D. No./
	State Aid:	<u></u>	Social Security No.: <u></u>
<u>\$1,130,000.00</u>	Federal Aid:	<u></u>	Vendor No.: <u></u>
(must match resolution)	Other:	<u></u>	Encumbrance No.: <u></u>