



George Latimer
County Executive

103039

DATE: August 21, 2023

TO: Board of Acquisition and Contract

FROM: Kenneth W. Jenkins
Acting County Executive

Peter McCartt
Director of Energy Conservation and Sustainability

SUBJECT: Authority to exercise the County's first option under an agreement with NuEnergen, LLC, pursuant to which it was to provide services concerning 'demand response' programs that relate to power usage at County facilities, in order to extend its term by two (2) years, to a new expiration date of August 31, 2025.

By a resolution approved on August 16, 2018, your Honorable Board authorized the County of Westchester (the "County") to enter into an agreement with NuEnergen, LLC ("NuEnergen"), pursuant to which NuEnergen was to provide the County with services concerning 'demand response' programs that relate to power usage at County facilities (the "Services"), for a term of five (5) years, commencing on September 1, 2018, with the County having the sole option to extend the term of the agreement for up to two (2) additional two (2) year periods thereafter (the "Agreement"). The Agreement was subsequently executed.

The County now desires to exercise its first option under the Agreement. Accordingly, authority is respectfully requested from your Honorable Board for the County to exercise its first option under the Agreement and therefore amend the Agreement by, 1.) extending its term by two (2) years, to a new termination date of August 31, 2025, and 2.) reflecting the fact that the County will have one (1) additional two (2) year option remaining (the "First Amendment").

Under the Agreement, as it is proposed to be amended by the First Amendment, in consideration of NuEnergen providing the Services, NuEnergen will continue to be entitled to retain seven and three-quarters percent (7.75%) of the amounts owed to the County based upon its participation in the 'demand response' programs, with the County being paid the remaining ninety-two and one-quarter percent (92.25%).

The proposed First Amendment will serve a public purpose by continuing to provide the County with the professional services needed to facilitate its participation in certain 'demand response' programs for which the County and its various facilities are eligible, and thereby provide revenue to the County.

The goal and objective of the proposed First Amendment is to continue to provide the County with the professional services needed to facilitate its participation in certain 'demand response' programs for which the County and its various facilities are eligible, and thereby provide revenue to the County.

The goal and objective of the proposed First Amendment is in the best interests of the County in terms of fiscal responsibility, as continuing to provide the County with the professional services needed to facilitate its participation in certain 'demand response' programs for which the County and its various facilities are eligible, will provide revenue to the County.

The goal and objective of the proposed First Amendment will be tracked and monitored by the Office of County Executive.

I respectfully recommend the adoption of the attached resolution.

FA/bdm/nn

APPROVED BOARD OF ACQUISITION & CONTRACT - 08/31/2023 - JOAN O'CARROLL SECRETARY

RESOLUTION

Upon a communication from the Acting 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 exercise its first option under an agreement with NuEnergen, LLC (“NuEnergen”), pursuant to which NuEnergen was to provide the County with services concerning ‘demand response’ programs that relate to power usage at County facilities (the “Services”), for a term of five (5) years, commencing on September 1, 2018, with the County having the sole option to extend the term of the agreement for up to two (2) additional two (2) year periods thereafter (the “Agreement”), and therefore amend Agreement by, 1.) extending its term by two (2) years, to a new termination date of August 31, 2025, and 2.) reflecting the fact that the County will have one (1) additional two (2) year option remaining (the “First Amendment”); and be it further

RESOLVED, that, under the Agreement, as it is to be amended by the First Amendment, in consideration of NuEnergen providing the Services, NuEnergen will be entitled to retain seven and three-quarters percent (7.75%) of the amounts owed to the County based upon its participation in the ‘demand response’ programs, with the County being paid the remaining ninety-two and one-quarter percent (92.25%); 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

Budget Funding Year(s): _____ Start Date: 09/01/23 End Date: 08/31/28
(must match resolution)

Funding Source

\$ _____
(must match resolution)

Tax Dollars: _____

State Aid: _____

Federal Aid: _____

Other: _____