

109879

DATE: October 28, 2024

TO: Board of Acquisition and Contract

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

SUBJECT: Resolution authorizing the County of Westchester to enter into an agreement with the United State Department of Energy to accept an equipment rebate in an amount not to exceed \$282,250 for the purpose of funding part of the County's implementation of its Climate Action Plan (Agreement No. 24-935).

As your Honorable Board may know, the County of Westchester (the "County"), acting by and through its Department of Public Works and Transportation (the "Department"), on April 30, 2024, applied for an equipment rebate voucher from the United States Department of Energy (the "USDOE") under the Energy Efficiency & Conservation Block Grant (the "EECBG") program. The County sought the equipment rebate voucher in order to fund part of the implementation of its Climate Action Plan, notably carbon neutrality and electric vehicle adoption, through the purchase of electric vehicle chargers for installation at the following two County-owned parking lots:

- 32 EV chargers to be place in the parking lot at 100 East First Street District Office, Mount Vernon, and
- 18 EV chargers to be placed in the parking lot at 450 Saw Mill River Road, Village of Ardsley.

The County was recently notified by the USDOE that it has been awarded an amount not to exceed \$282,250 under the USDOE's EECBG equipment rebate voucher program.

As part of the award, the County agreed to the Special Terms and Conditions (the "Agreement") for the EECBG program in an amount not to exceed \$282,250.

The period of performance under the EECBG equipment rebate voucher program is June 30, 2024 through June 30, 2026.

As part of the proposed Agreement, the County will be subject to monitoring and reporting requirements as specified in the Federal Assistance Reporting Check list, which will be attached to the Agreement.

Also, the proposed Agreement will require the County to indemnify the USDOE as follows:

The Recipient [the County] shall indemnify DOE and its officers, agents, or employees for any and all liability including litigation expenses and attorneys' fees, arising from suits, actions, or claims of any character for death, bodily injury, or loss of or damage

to property or to the environment, resulting from the project, except to the extent that such liability results from the direct fault or negligence of DOE officers, agents or employees, or to the extent such liability may be covered by applicable allowable costs provisions.

The proposed Agreement will serve a public purpose by providing the financial resources needed to fund part of the implementation of the County's Climate Action Plan and, thereby, advance the goals of energy efficient and conservation.

The goals and objectives of the proposed Agreement are in the best interest of the County in terms of fiscal responsibility as the proposed Agreement will provide the County with federal funding that will reduce the amount of County funds that the County will have to use to fund the intended implementation of its Climate Action Plan.

The goals and objectives of the proposed Agreement will be tracked and monitored by the Department and DOE through the EECBG program.

If this resolution is not approved, the County will not receive the federal rebate money and will, accordingly, have to either eliminate this portion of its Climate Action Plan or self-fund implementation of this portion of the Climate Action Plan.

The proposed Agreement with the USDOE is exempt from the County of Westchester Procurement Policy pursuant to Section 3(a)(iii), which states that the policy shall not apply to transactions or contracts with the United States of America, any State, and any political subdivision, agency or instrumentality thereof.

I certify that my department, a) has copies of, or access to, all applicable laws, rules, regulations, EECBG equipment rebate voucher applications, and EECBG terms and conditions, as well as any guidance or instructions received from the agency making the rebate (the "Terms and Conditions"), b) has reviewed the Terms and Conditions, c) is aware of and understands all of the Terms and Conditions, and d) can and will comply with all of the Terms and Conditions.

I recommend the approval of the attached proposed Resolution.

HG/ran

Attachment

RESOLUTION

UPON A COMMUNICATION FROM THE COMMISSIONER OF THE DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION, BE IT HEREBY,

RESOLVED, that the County of Westchester (the “County”) is hereby authorized to enter into an agreement with the United States Department of Energy (“USDOE”) to accept an equipment rebate through the Energy Efficiency & Conservation Block Grant (the “EECBG”) program in an amount not to exceed \$282,250, for a performance period from June 30, 2024 through June 30, 2026 for the purpose of funding a portion of the County’s implementation of its Climate Action Plan; and be it further

RESOLVED, that the County is authorized to indemnify the USDOE as follows:

The Recipient [the County] shall indemnify DOE and its officers, agents, or employees for any and all liability including litigation expenses and attorneys’ fees, arising from suits, actions, or claims of any character for death, bodily injury, or loss of or damage to property or to the environment, resulting from the project, except to the extent that such liability results from the direct fault or negligence of DOE officers, agents or employees, or to the extent such liability may be covered by applicable allowable costs provisions; and, be it further

RESOLVED, that the County Executive or his authorized designee be and hereby is authorized to execute any and all documents necessary and appropriate to effectuate the purposes hereof; and be it further

RESOLVED, that this Resolution shall take effect retroactively as of April 30, 2024.

Account to be
Charged/Credited

Agreement No. 24-935

		Major Program, Program & Phase	Revenue	Bond Act #	
Fund	Dept	Or Unit			Dollars
346	46	BPF3903C	9633	N/A	\$282,250

Budget Funding Year(s)
(Must Match Resolution)

Start Date June 30, 2024

End Date June 30, 2026

Funding Source

Tax Dollars

\$ 282,250

(must match resolution)

State Aid

Federal Aid

\$282,250

Other