

109759

TO: Board of Acquisition and Contract

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

DATE: September 17, 2024

SUBJECT: Authorization to issue a written Authorization to Proceed for the Power Authority of the State of New York, also known as the New York Power Authority ("NYPA") to design, bid and assemble the initial Customer Project Commitment Agreement with NYPA for the Elevator Modernization Project, at the Norwood E. Jackson Correctional Center, Grasslands Campus, Valhalla, New York (Agreement No. 24-932)

Not-to-Exceed Amount: \$1,528,991.00

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"). 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 Agreement for an additional five years. On May 30, 2024, your Honorable Board authorized the County to exercise this option and an amendment exercising this option to extend the termination date to September 9, 2029 was subsequently executed. Pursuant to the Master Agreement, NYPA shall not commence any phase of any project without the prior written approval of the Commissioner of Public Works and Transportation under a separate CIC/CPC, subject to further authorization of your Honorable Board.

The County has identified the Elevator Modernization Project at the Norwood E. Jackson Correctional Center, Grasslands Campus, Valhalla, New York (the "Project") as an energy efficiency project and seeks to retain the services of NYPA. The existing equipment is over twenty-five years old and beyond its useful life.

In accordance with the Master Agreement, the County must first issue a written Authorization to Proceed for NYPA to design, bid and assemble the initial CIC/CPC Agreement in connection with the Elevator Modernization Project at the Norwood E. Jackson Correctional Center, Grasslands Campus, Valhalla, New York. Subsequently, the County and NYPA must enter into a CIC/CPC agreement in connection with this Project and will provide design services. NYPA will perform this stage of the project at a cost not-to-exceed \$1,528,991.00. The completion date of the Agreement shall be December 31, 2028. This Resolution may be amended at a future date to provide for further services, including but not limited to, construction management services, equipment procurement, and installation.

The goal and objective of the proposed project is to rehabilitate or replace 17 elevators located at the Norwood E. Jackson Correctional Center, Grasslands Campus, Valhalla, New York. The rehabilitation /replacement of elevators is required to address the aging physical deficiencies to maintain safety of staff and residents. This project involves

the replacement of critical systems in a very important facility for Westchester County.

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

This agreement is exempt from the procedures of the County Procurement Policy under Section 3(a)(iii) of said policy.

Your approval of the attached Resolution is respectfully requested.

HJG/GMK/JPI/cg

RESOLUTION

Upon communication from the Commissioner of Public Works and Transportation:

WHEREAS, the County of Westchester (the "County") has entered into an Energy Services Program Master Cost Recovery Agreement with the New York Power Authority ("NYPA"), which provides that upon prior written authorization and after entering into a separate Customer Installation Commitments or Customer Project Commitments ("CIC/CPCs") for each project, NYPA shall study, design and construct energy efficiency and clean energy projects at various County facilities; and

WHEREAS, the County has identified the Elevator Modernization Project at the Norwood E. Jackson Correctional Center, Grasslands Campus, Valhalla, New York (the "Project") as an energy efficiency project and seeks to retain the services of NYPA. The existing equipment is over twenty-five years old and beyond its useful life; and now therefore be it

RESOLVED, that the County is hereby authorized to: 1) issue a written Authorization to Proceed for NYPA to design, bid and assemble the Initial CIC/CPC Agreement for the Project; and 2) subsequently enter into a CIC/CPC agreement with NYPA for the Project. Under the terms of the Authorization to Proceed and CIC/CPC agreement, NYPA will provide design services. This Resolution may be amended at a future date to provide for further services, including but not limited to, construction management services, equipment procurement, and installation; and be it further

RESOLVED, that the design services will be completed by NYPA for a total cost not-to-exceed \$1,528,991.00, pursuant to an approved budget; and be it further

RESOLVED, that the completion date of the Agreement shall be December 31, 2028; 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 the Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Consultant, then the Consultant shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further

RESOLVED, that NYPA shall not commence any phase of the work for the Project without prior written approval of the Commissioner of Public Works and Transportation; 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.

RESOLUTION

Agreement No. 24-932

Account to be
Charged/Credited

| Fund | Dept | Major Program, Program & Phase or Unit | Object/ Sub Object | Bond Act No. | Dollars |
|------|------|----------------------------------------------|-----------------------|--------------|-----------------|
| 335 | 35 | BCR62-01-E | 6120-03 | BA #219-2021 | \$ 1,528,991.00 |
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Budget Funding Year(s): 2024 Start Date: 10/1/24 End Date: 12/31/28
(must match resolution)

Funding Source: Tax Dollars: 100% County Contractor Federal I.D. No./
Social Security No.: _____
State Aid: _____
\$1,528,991.00 Federal Aid: _____ Vendor No.: _____
(must match resolution) Other: _____
Encumbrance No.: _____