

109914

DATE: November 1, 2024

TO: Board of Acquisition and Contract

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

SUBJECT: Authorization to amend the agreement with Ameresco Inc. for the operation of the Westchester County Central Heating Plan in order for the County to exercise its option to renew the term of the agreement for one five (5) year renewal period for an additional total amount not to exceed of Five Million Five Hundred Thirty-Three Thousand Two Hundred Eighty-Seven (\$5,533,287) Dollars. (#19-922)

By resolution approved on November 21, 2019 (the "November 21, 2019 Resolution"), your Honorable Board authorized the County of Westchester (the "County"), acting by and through its Department of Public Works and Transportation (the "Department"), to enter into an agreement with Ameresco, Inc. ("Ameresco"), pursuant to which Ameresco agreed to provide qualified professional operators for the 24x7 operation of the Westchester County Central Heating Plant in Valhalla, New York ("CHP") for a five (5) year term commencing on December 1, 2019 and continuing through November 30, 2024, in an amount not to exceed of \$4,962,894.00, with the County having the option to renew the term of the Agreement for one (1) five (5) year renewal period for an additional total amount not to exceed of \$5,533,287, payable at the following annual fees, with the County paying one twelfth (1/12) of such annual fees on a monthly basis after services are rendered:

Year 1 of the Renewal Period - \$1,059,074;
Year 2 of the Renewal Period - \$1,085,550;
Year 3 of the Renewal Period - \$1,107,261;
Year 4 of the Renewal Period - \$1,129,407; and
Year 5 of the Renewal Period - \$1,151,995.

Subsequent to the adoption of the November 21, 2019 Resolution, the County executed the agreement with Ameresco on November 22, 2019 (the "Agreement").

Ameresco has responsibly met all the requirements under the initial term of the Agreement, and the Department now wishes to renew the term of the Agreement for the renewal period.

Accordingly, authority is hereby requested for the County to amend the Agreement to exercise the option to renew the term of the Agreement for one five (5) year renewal period commencing on December 1, 2024 and terminating on November 30, 2029, for an additional total amount not to exceed of \$5,533,287, bringing the new total not to exceed amount to \$10,496,181, based

upon the following annual fees, with the County paying one twelfth (1/12) of such annual fees on a monthly basis after services are rendered:

Year 1 of the Renewal Period - \$1,059,074;
Year 2 of the Renewal Period - \$1,085,550;
Year 3 of the Renewal Period - \$1,107,261;
Year 4 of the Renewal Period - \$1,129,407; and
Year 5 of the Renewal Period - \$1,151,995.

Authority is also hereby requested to amend the termination for convenience provision in the Agreement so that instead of the County having the right to terminate the agreement on 9 months' notice after the payment of an early termination fee of \$150,000, the County will have the right to terminate the Agreement for convenience upon six (6) months with no early termination fee.

Accordingly, I most respectfully recommend the adoption of the annexed proposed Resolution to ensure the continued safe 24 X 7 operation of the CHP and all of the vital facilities that it serves on the Valhalla Campus.

HG/ran
Encl.

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"), acting by and through its Department of Public Works and Transportation (the "Department"), is hereby authorized to amend its agreement with Ameresco, Inc. ("Ameresco") for the operation of the Westchester County Central Heating Plant in Valhalla, New York, dated November 22, 2019, for a term commencing on December 1, 2019 and terminating on November 30, 2024 for a total not to exceed amount of \$4,962,894 (the "Agreement"), for the County to exercise its option to renew the term of the Agreement for one five (5) year renewal period commencing on December 1, 2024 and terminating on November 30, 2029 for an additional total amount not to exceed of \$5,533,287, bringing the new total not to exceed amount to \$10,496,181, and be it further

RESOLVED, the annual fees for the five (5) year renewal period shall be: Year 1 - \$1,059,074; Year 2 - \$1,085,550; Year 3 - \$1,107,261; Year 4 - \$1,129,407; Year 5 - \$1,151,995 and the County will pay one twelfth (1/12) of such annual fees on a monthly basis after services are rendered, and, be it further

RESOLVED, that the County is authorized to amend the termination for convenience provision in the Agreement so that instead of the County having the right to terminate the agreement on 9 months' notice after the payment of an early termination fee of \$150,000, the County will have the right to terminate the Agreement for convenience upon 6 months' notice with no early termination fee; and be it further,

RESOLVED, that except as specifically amended hereby, all remaining terms and conditions of the Agreement shall remain in full force and effect and unchanged; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized to execute all documents and take all actions necessary to effectuate the purpose hereof.

Original Agreement	\$	4,962,894.00
This Amendment		<u>5,533,287.00</u>
TOTAL	\$	10,496,181.00

Agreement No. 19-922

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	101	46	3400	4380		\$ 88,256.17 (2024)
	101	46	3400	4380		\$1,061,280.33 (2025)
	101	46	3400	4380		\$1,087,359.25 (2026)
	101	46	3400	4380		\$1,109,106.50 (2027)
	101	46	3400	4380		\$1,131,289.33 (2028)
	101	46	3400	4380		\$1,055,995.42 (2029)

Budget Funding Year(s): 2024-2029 **Start Date:** December 1, 2024 **End Date:** November 30, 2029
(must match resolution)

Funding Source: **Tax Dollars** 100% County
State Aid _____
\$5,533,287.00 **Federal Aid** _____
(must match resolution) **Other** _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 11/14/2024 - DAYMOND \$200K SECRETARY