



Memorandum
Department of Public Works and Transportation

103186

TO: Board of Acquisition and Contract

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

DATE: September 1, 2023

RE: Resolution to exempt from the Westchester County Procurement Policy and Procedures, pursuant to Section 3(a)(xxi) thereof, the procurement of additional 'Buy America'-related services, for an amount not-to-exceed \$18,398.47, under an amendment to an agreement between the County of Westchester and STV Incorporated, pursuant to which it was to provide consulting services related to the procurement of certain hybrid buses.
(Agreement No. DOTCAP03-21)

Authority is respectfully requested from your Honorable Board to exempt from the Westchester County Procurement Policy and Procedures, pursuant to Section 3(a)(xxi) thereof, the procurement of additional services related to federal 'Buy America' requirements (the "Additional Services"), for an amount not-to-exceed \$18,398.47, under an amendment (the "First Amendment") to an agreement (the "Agreement") between the County of Westchester (the "County") and STV Incorporated ("STV"), pursuant to which STV was to provide the County with consulting services (the "Services") concerning the County's procurement of up to ten (10) 35-foot, heavy-duty, low-floor, hybrid electric buses, which was anticipated to be conducted via a purchase option available under a previously-issued bid solicitation (the "Bus Procurement"), for an amount not-to-exceed \$58,448.19, for a term commencing upon execution, which occurred on January 3, 2022, and continuing until the end of the Bus Procurement.

STV recently advised the County that STV did not budget sufficient funds, in its original cost estimate, for all of the services that are now expected to ultimately be necessary for all of the work related to federal 'Buy America' requirements. Accordingly, STV advised the County that an additional amount not-to-exceed \$18,398.47 would be necessary for additional services related to federal 'Buy America' requirements (the "Additional Services"). The Additional Services would be provided, and billed, on an hourly basis, at the rates specified in the Agreement. The Department of Public Works and Transportation ("DPW&T") has determined that this additional amount is justified and acceptable.

The County's need for the Additional Services is immediate, and those services can be

obtained immediately through STV. DPW&T is confident that the pricing offered for the Additional Services is reasonable and that the services that would be provided would be of high quality. Moreover, DPW&T believes that it would take more time, and be more expensive, for the County to competitively procure the Additional Services from another consultant.

Based upon the foregoing, it is proposed that the best interests of the County would be served by exempting from the Westchester County Procurement Policy and Procedures, pursuant to Section 3(a)(xxi) thereof, the procurement of the Additional Services, under the proposed First Amendment.

Accordingly, a resolution to exempt this procurement is hereby submitted for your consideration.

HJG/MS/bdm

APPROVED BOARD OF ACQUISITION & CONTRACT - 09/14/2023 - RAYMOND SCUKY, SECRETARY

RESOLUTION

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

RESOLVED, that pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, it is hereby determined that application of the procedural requirements contained therein, including the necessity of soliciting proposals, is neither cost effective nor expedient, and accordingly, not in the best interests of the County of Westchester (the “County”) in connection with the procurement of additional ‘Buy America’-related services, for an amount not-to-exceed \$18,398.47, under an amendment to an agreement between the County and STV Incorporated, pursuant to which it was to provide consulting services concerning the County’s procurement of up to ten (10) 35-foot, heavy-duty, low-floor, hybrid electric buses, which was anticipated to be conducted via a purchase option available under a previously-issued bid solicitation (the “Bus Procurement”), for an amount not-to-exceed \$58,448.19, for a term commencing upon execution, which occurred on January 3, 2022, and continuing until the end of the Bus Procurement.

APPROVED BOARD OF ACQUISITION & CONTRACT - 09/14/2023 - PAYMENT SCHEDULE SECRETARY