

Robert P. Astorino
County Executive

Office of the County Attorney

Robert F. Meehan
County Attorney

Memorandum
Office of the County Attorney

11340

May 10, 2010

To: Board of Acquisition and Contract

From: Robert F. Meehan
County Attorney

Re: **Authority to amend and extend an agreement with Pro Safety Services, LLC for the provision of safety training and compliance services for a period of one year commencing July 1, 2010 for an amount not to exceed \$100,000**

After completion of an RFP process and pursuant to a resolution approved on June 21, 2007, the County entered into a contract with Pro Safety Services, LLC ("Pro Safety") for the provision of safety training and compliance services on an "as needed" basis for a three year period commencing July 1, 2007, with the County's option to extend for two additional one year periods, for an amount not to exceed \$100,000 per year. The hourly rates under the Agreement are as follows: year 1, \$90; year 2, \$95; year 3, \$100; first option year commencing July 1, 2010, \$105; second option year, \$110.

Given the difficult economic times that the County faces, Pro Safety has agreed to amend its contract whereby the hourly rate for the exercise of the first option year will not increase and will remain at \$100.

Pro Safety provides technical assistance in developing and conducting in-house safety training, educational services and regulatory compliance programs for various departments throughout the County. This contract serves a public purpose as it protects the health, safety and welfare of employees of the County by providing safety training services and monitoring compliance with work safety standards. The County has been satisfied with the services provided by Pro Safety under the contract. Pro Safety's services complement the County's Health and Safety Program for specialized services that require licensed professionals, such as Industrial Hygienists (IH), Certified Safety Professionals (CHP) and Fire Protection Engineers, to name a few. Pro Safety also has access to the necessary specialized equipment that is often needed to evaluate various potentially dangerous environmental conditions within the County's facilities. Many of the County's Health and Safety decisions on policy and procedures are based upon Pro Safety's findings. Pro Safety has performed various types of training programs as follows:

Fork Lift Operation
Snow Plow Operator Safety Training
Truck Driver Safety Training
Loc out/Tag out Training
Confined Space Training and Audits
Hazard Communication Audits
Personal Protective Training Programs
OSHA 10 hour training program
IAQ laboratory testing, reporting and recommendations
Mold Testing and recommendations
Asbestos testing and recommendations
Policy Development.

Therefore, approval of the attached Resolution authorizing the County to exercise its first option to extend the contract for an additional one year commencing July 1, 2010 at the amended rate of \$100/hour is respectfully requested.

RFM/DNM/me

Attachment

RESOLUTION

Upon a communication from the County Attorney, be it hereby

RESOLVED, that the County of Westchester (the "County") is authorized to extend an agreement with Pro Safety Services, LLC to provide safety training and compliance services on an "as needed" basis for the first option year commencing July 1, 2010, with a total annual dollar amount not to exceed \$100,000.00, to be paid at the amended rate of \$100 per hour; 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 this 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 the County Executive or his authorized designee is hereby authorized to execute all instruments and take all actions reasonably necessary to implement this Resolution.

APPROVED BOARD OF ACQUISITION & CONTRACTS - 2/2/2010
CAMPY NEIRA, SECRETARY

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	101	18	2000/2000	4225		\$100,000.00

Budget Funding Year(s)
(must match resolution)

Start Date: July 1, 2010

End Date: June 30, 2011

Funding Source:

Tax Dollars \$100,000

Contractor Federal I.D. No./
Social Security No.: _____

State Aid _____

\$100,000.00
(must match resolution)

Federal Aid _____

Vendor No.: 720344

Other _____

Encumbrance No.: _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 5-27-2010 - JOMARY MEIRA, SECRETARY