

#13359

Date: July 29, 2010

To: Honorable Board of Acquisition and Contract

From: Hon. Kenneth W. Jenkins, Chairman  
Westchester County Board of Legislators

Re: **Resolution to exempt from the Westchester County Procurement Policy an agreement with Kevin Hurley for the provision of professional services to coordinate the County's pest management services in consultation with the Westchester County Pest Management Committee, pursuant to Section 3(a)xxi of the Westchester County Procurement Policy and Procedures**

Authority is requested from your Honorable Board to exempt from the application of the procedural requirements of the Westchester County Procurement Policy an agreement between the County of Westchester (the "County") and Kevin Hurley for the provision of professional services to coordinate the County's pest management services, in consultation with the Westchester County Pest Management Committee ("PMC").

The Agreement will be for the period August 15, 2010 through August 14, 2011, with a County option to renew for an additional one year period on the same terms and conditions. In consideration for services to be rendered, the County will pay Kevin Hurley an amount not to exceed \$40,000, payable in accordance with an approved budget.

As you may recall, on June 11, 2009 your Honorable Board approved a resolution authorizing a contract with Kevin Hurley to coordinate the County's pest management services, which contract expired on June 14, 2010.

The PMC is an advisory committee established by Westchester County to develop and implement pest management policies, rules and regulations, including the County's Pesticide Reduction Law, Chapter 690, Laws of Westchester County ("Law"). PMC members are appointed by the County Board of Legislators and include four County departments in *ex officio* capacity. The PMC has been very satisfied with Mr. Hurley's performance under the prior contract which was entered into after an extensive search for a qualified pest management professional.

Mr. Hurley is uniquely qualified to coordinate pest management services for the County. In addition to extensive work experience in the pest management industry, he has a wide range

of knowledge on pesticide applications, holding 11 NYSDEC licenses (most individuals have 1-2 licenses). He maintains the Board Certified Entomologist designation (less than 400 fully certified in U.S.). Mr. Hurley is authorized to conduct certified training to individuals maintaining or seeking NYSDEC pesticide licenses and does so regularly. He has accumulated first-hand knowledge of county facilities through his work on the prior contract and has developed good relationships with county department staff. He has met the requirements and outcomes of the prior contract and exceeded expectations of Pest Management Committee members, as evidenced by the PMC memorandum to Environment & Energy Committee Chair Peter Harckham. Mr. Hurley has worked under contract with the NYCDEP West-of-Hudson watershed section, and he was previously on the NYS Pest Management Association Board of Directors in advocacy of various policies and legislation affecting the pest management industry.

Through site visits and reviewing department practices, the Pest Management Coordinator has provided services that have assisted county compliance with NYSDEC regulations and avoided potential penalties. These services have also reduced the degree that toxic substances are used at county facilities, leading to safer conditions for county residents and employees and improved environmental conditions. A reduction in the level of Coordinator contract services can increase the potential for exposure to unsafe pesticides and non-compliance with NYSDEC requirements.

Pursuant to Section 3(a)xxi, the Westchester County Procurement Policy and Procedures are not applicable to any procurement for which this Honorable Board determines, by resolution passed prior to commencing such procurement, that compliance with the policy would not be in the best interests of the County. Based upon the foregoing, it is proposed that the best interests of the County would be served by exempting this agreement from the procedures of the County's Procurement Policy. A resolution to exempt this agreement from procurement is hereby submitted for your consideration.

I recommend and urge your Honorable Board's approval of the annexed Resolution.

KWJ/tsa

## **RESOLUTION**

Upon a communication from the Chair of the Board of Legislators, 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 in connection with the procurement of Kevin Hurley for the provision of professional services to coordinate the County's pest management services, in consultation with the Westchester County Pest Management Committee.

APPROVED BOARD OF ACQUISITION & CONTRACT - 9-10-2010 - JOMARY VIEIRA, SECRETARY