

Office of the County Executive

16667

Date: January 11, 2011

To: The Honorable Board of Acquisition and Contract

From: Robert P. Astorino
County Executive

Re: **Resolution to authorize execution of a third amendment to a New York State Environmental Restoration Program Grant Agreement awarded for additional investigation and remediation of environmental conditions at Davids Island, to extend the termination date from December 30, 2010 to December 30, 2011**

Pursuant to Act No. 126-2005 and Resolution 84-2005 approved by the County Board of Legislators and a Board of Acquisition and Contract resolution approved on February 2, 2006, the County entered into two agreements in connection with the award of the New York State Environmental Restoration Program Grant (the "State Assistance Contract") for additional investigation and remediation of environmental conditions at Davids Island, under which the County and the City of New Rochelle (the "City") are joint applicants. The two agreements are:

- (1) the State Assistance Contract executed by and between the State, the County and the City awarding the ERP grant and specifying the terms of its administration ("ERP Agreement"); and
- (2) an Agreement by and between the County and the City outlining the terms applicable to the parties' joint applicancy for the ERP grant ("IMA").

Pursuant to a resolution approved on August 22, 2008, the County entered into a first amendment under the ERP Agreement which increased the amount of the grant funds to be provided by the State and extend the term of the ERP Agreement through 12/30/08. Pursuant to a resolution approved on May 27, 2010, the County entered into a second amendment under the ERP Agreement to increase the grant funds again and extend the term through 12/30/10. In order to complete the scope of services, a proposed third amendment to the ERP Agreement has been requested to extend the term through December 30, 2011. The goal and objective of this Agreement is to provide for the continuation of the investigation and remediation of the

environmental conditions on Davids Island. The County will monitor the ERP Agreement by continuing to review invoices received for the work prior to authorizing payments. The County will not be responsible for any additional funds beyond the County's original commitment not to exceed \$60,000 as the City has agreed to provide the additional matching funds. No additional approval from the Board of Legislators is necessary since the original Board Act authorized the execution of the ERP Agreement as the County's \$60,000 local share has not changed and the authorization did not set a limit on the overall contract amount. Approval of the attached resolution is respectfully requested.

RPA/dm

APPROVED BOARD OF ACQUISITION & CONTRACT - 1-28-2011 - JOMARY VIEIRA, SECRETARY

RESOLUTION

Upon a communication from the County Executive, be it hereby:

RESOLVED, that the County of Westchester (“County”) is authorized to execute a third amendment to a New York State Environmental Restoration Program State Assistance Contract (“Contract”) for the investigation and remediation of environmental conditions at Davids Island, to extend the termination date of the Contract from December 30, 2010 to December 30, 2011, at no additional cost to the County; and be it further

RESOLVED, that all other material terms and conditions of the Contract shall remain the same; 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.

Original Agreement	\$ 882,000.00
First Amendment	\$ 260,000.00
Second Amendment	\$ 80,940.00
Third Amendment	\$ 0.00
New Total Amount	\$1,222,940.00

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
						No cost to County

Budget Funding Year(s) Start Date: 12/30/08
 (must match resolution)

End Date: 12/30/11

Funding Source: Tax Dollars _____
 State Aid _____
 Federal Aid _____
 (must match resolution) Other _____

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

Vendor No.: _____

Encumbrance No.: _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 1-28-2011 - JOMARY VIEIRA, SECRETARY