

**17820**

March 14, 2011

TO: BOARD OF ACQUISITION and CONTRACT

FROM: THOMAS J. LAURO, P.E.  
COMMISSIONER ENVIRONMENTAL FACILITIES

SUBJECT: AUTHORIZATION FOR AN EXTENSION OF THE TERM OF THE AGREEMENT WITH FIRST ENVIRONMENT, INC., AUTHORIZED JUNE 24, 2004, AS AMENDED, TO PROVIDE SERVICES TO DEVELOP AND MAINTAIN THE DEPARTMENT OF ENVIRONMENTAL FACILITIES' ENVIRONMENTAL MANAGEMENT SYSTEM UTILIZING THE ISO 14001 STANDARD, FOR NO INCREASE IN FEE

On June 24, 2004, your Honorable Board authorized the County to enter into a contract with First Environment, Inc., of Boonton, New Jersey, to provide consulting services in connection with the development and operation of an Environmental Management System utilizing ISO- 14001 (International Organization for Standardization) within the Department of Environmental Facilities for a maximum fee of \$320,000 and with a term to end on June 30, 2006. First Environment, Inc. was highly qualified to perform the services required, had successfully assisted the Westchester County Department of Transportation to develop and implement an ISO 14001 compliant environmental management system at the Westchester County Airport, and was the only firm that submitted a response to the Department's request for proposals on April 29, 2004.

In accordance with its contract, First Environment, Inc., assisted this Department with developing and implementing the first phase of the Department of Environmental Facilities Environmental Management System ("EnvMS") which included the Yonkers Joint Wastewater Treatment Plant (YJWWTP) and all activities at the Department's New Rochelle offices pertaining to YJWWTP. Following the independent audit of the first phase of the EnvMS, conducted by TUV America, Inc., in summer 2006, the EnvMS was certified to the ISO 14001 Standard effective September 7, 2006.

On July 15, 2006 your Honorable Board authorized the first amendment to the agreement with First Environment, for consulting services in connection with the maintenance of the EnvMS, for a fee not to exceed \$165,000, payable pursuant to an approved budget, and to extend the agreement term to September 30, 2009, in order to

keep the EnvMS operating after implementation at YJWWTP because it was necessary for First Environment to provide additional services that were not originally anticipated.

In accordance with the contract as amended, First Environment has enabled this Department to implement the second phase of the EnvMS, which included the Peekskill WWTP, Ossining WWTP; New Rochelle WWTP, Mamaroneck WWTP, Blind Brook WWTP and Port Chester WWTP and all activities at the Department's New Rochelle offices pertaining to those facilities. These facilities are now included in the Department ISO 14001 Certification.

The independent audit of the second phase of the EnvMS, conducted by TUV America, Inc., in summer 2010, was delayed due to the delay of the auditing schedule of TUV America as a result of the disruption of air travel in Europe caused by the volcanic eruption in Iceland in April 2010. This delayed the independent audit by TUV America and as a result delayed First Environment's work schedule for the balance of 2010. The 2010 independent audit by TUV America for the second phase was successful.

The third phase of implementation of the EnvMS is currently ongoing and includes all remaining DEF operations, including the operation of water districts and solid waste district, including recycling operations.

On May 31, 2007 Your Honorable Board approved a resolution authorizing a second amendment to the agreement with First Environment, Inc., for consulting services in connection with the maintenance of the DEF Environmental Management System pursuant to the ISO 14001 Standard, for an additional fee not to exceed \$793,084, said agreement to continue to September 30, 2009.

On October 1, 2009 Your Honorable Board approved a resolution authorizing a third amendment to the agreement with First Environment, Inc. to extend its term until May 31, 2011 in order to insure First Environment's continuing ability to support the development of and implementation of the EnvMS for all remaining DEF operations, at no increase in fee nor other change in the terms and conditions of the agreement.

Authorization is now sought for a fourth amendment to the agreement with First Environment, Inc. to extend the term of until December 31, 2011 in order to insure First Environment's continuing ability to support the development of and implementation of the EnvMS for all remaining DEF operations, at no increase in fee nor other change in the terms and conditions of the agreement.

The agreement with First Environment serves a public purpose by enabling this Department to implement and maintain its EnvMS and its ISO 14001 certification and to comply with the Department's "Environmental Policy", thus helping to protect the public health, safety and welfare of the residents of Westchester County.

## RESOLUTION

Upon a communication from the Commissioner of Environmental Facilities, be it hereby

**RESOLVED**, that the term of the agreement with First Environment, Inc. for provision of consulting services to the County of Westchester, in connection with the establishment and maintenance of an environmental management system compliant with the ISO 14001 Standard at the Department of Environmental Facilities, which was authorized on June 24, 2004, and which was authorized to be amended on July 15, 2006, May 31, 2007, and October 1, 2009, to extend the term of the agreement from May 31, 2011 to December 31, 2011, is hereby approved;

**RESOLVED**, that the amount not-to-exceed under said amended agreement shall remain an aggregate total not-to-exceed amount of \$1,278,084, consistent with a schedule of work to be attached to and made a part thereof; and

**RESOLVED**, that all other provisions of the Agreement with First Environment, Inc. shall remain unchanged; 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 Contractor, then the Contractor 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 any documents and take any actions reasonably necessary and appropriate to effectuate the purposes of this Resolution.

Original Authorization: \$320,000  
 First Amendment : \$165,000  
 Second Amendment: \$793,084  
 Third Amendment: \$ 0  
 Fourth Amendment: \$ 0

Total \$1,278,084

Account to be  
 Charged/Credited

| Fund | Dept | Major Program, Program & Phase Or Unit | Object/ Sub-Object | Trust Account | Dollars |
|------|------|--|--------------------|---------------|---------|
|      |      |  |                    |               |         |
|      |      |  |                    |               |         |
|      |      |  |                    |               |         |

Budget Funding Year(s)   N/A   Start Date   N/A   End Date   N/A    
 (must match resolution)

Funding Source Tax Dollars \_\_\_\_\_

State Aid \_\_\_\_\_

\$ \_\_\_\_\_ Federal Aid \_\_\_\_\_  
 (must match resolution)

Other \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT - 4-21-2011 JOMARY VIEIRA, SECRETARY