

19777

June 15, 2011

To: Board of Acquisition and Contract

From: Thomas J. Lauro
Commissioner of Environmental Facilities

Re: **Authority for the County of Westchester to amend an Agreement with Air Resources Group, LLC for consulting services in connection with the Yonkers Joint Wastewater Treatment Plant's compliance with the Federal and State mandated Title V Air Permit, in order to provide for additional services and to increase the not to exceed amount of the agreement from \$15,000.00 to \$60,000.00.**

By short term contract approval dated March 1, 2011, the County of Westchester (the "County") was authorized to enter into an agreement (the "Agreement") with Air Resources Group, LLC for consulting services in connection with the Yonkers Joint Wastewater Treatment Plant's compliance with the Federal and State mandated Title V Air Permit in an amount not to exceed \$15,000.00. The Agreement was subsequently executed.

Authority is hereby requested from your Honorable Board to amend the short form agreement with Air Resources Group, LLC for consulting services in connection with the Yonkers Joint Wastewater Treatment Plant's compliance with the Federal and State mandated Title V Air Permit, in order to provide for additional services related to addressing permit violations and to increase the not to exceed amount of the agreement from \$15,000.00 to \$60,000.00.

Pursuant to Section 3(a)xxi thereof, the Westchester County Procurement Policy and Procedures are not applicable to any procurement for which this Board determines, by resolution passed prior to commencing such procurement, that compliance with the policy would not be in the best interest of the County. A separate resolution has been submitted by even date herewith for this purpose

The objective of this amendment is in the County's best interest since it will authorize the County to hire a consultant that is an expert in the field of NYSDEC air pollution control regulations so that the County can comply with the Federal and State

mandated Title V Air Permit and thus, avoid any possible fines and penalties. The Agreement's progress shall be tracked by direct reporting of the results to the County by the Consultant, as requested by the County.

Accordingly, your favorable action on the annexed Resolution is most respectfully urged and recommended.

TJL/jpi

APPROVED BOARD OF ACQUISITION & CONTRACT - 06/30/2011 - JOMARY VEIRA, SECRETARY

RESOLUTION

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

RESOLVED, the County is hereby authorized to amend the short form agreement with Air Resources Group, LLC for consulting services in connection with the Yonkers Joint Wastewater Treatment Plant's compliance with the Federal and State mandated Title V Air Permit, in order to provide for additional services and to increase the not to exceed amount of the agreement from \$15,000.00 to \$60,000.00; and be it further

RESOLVED, that all other terms and conditions of the Agreement 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 Firm, then the Firm shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further

RESOLVED, that the County Executive, or his duly authorized designee, is hereby authorized to execute such documents and take such actions as may be necessary and appropriate to effectuate the purposes hereof.

Original Agreement \$ 15,000.00
 This Amendment \$ 45,000.00
 TOTAL \$ 60,000.00

Account to be
 Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
221	60	0110	0141	4380	45,000.00

Budget Funding Year(s) 2011 Start Date 03/15/2011 End Date 03/14/2012
 (must match resolution)

Funding Source Tax Dollars \$45,000
 State Aid _____
\$ 45,000 Federal Aid _____
 (must match resolution) Other _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 06/30/2011 - JOHANNY VIEIRA, SECRETARY