

25273

TO: Board of Acquisition and Contract

FROM: Thomas J. Lauro, P.E.
Commissioner of Environmental Facilities

DATE: February 13, 2012

SUBJECT: Resolution authorizing the County of Westchester to enter into an agreement with Process and Compression Systems, a division of Cameron International Corporation, for the provision of inspection and maintenance services for the existing enterprise engines located at the Yonkers Joint Wastewater Treatment Plant, in a total amount not to exceed \$150,000, and having a term of one (1) year, commencing January 1, 2012 and terminating December 31, 2012

Transmitted herewith is a resolution requesting authority for the County of Westchester (the "County"), acting through and by its Department of Environmental Facilities (the "Department") to enter into an agreement with Process and Compression Systems, a division of Cameron International Corporation ("Cameron") for the provision of inspection and maintenance services for the existing enterprise engines located at the Yonkers Joint Wastewater Treatment Plant ("YJWWTP") in a total amount not to exceed \$150,000 and having a term of one (1) year starting January 1, 2012 and terminating on December 31, 2012 to be paid in accordance with contract prices.

Cameron is the sole source for the provision of parts and maintenance services for the engines at the YJWWTP. The engines are designed with a patented proprietary technology and Cameron is the only authorized company with the patented parts and knowledge to perform this work.

Pursuant to Section 9 of the Westchester County Procurement Policy and Procedures, and after reasonable investigation, it has been determined that Cameron is the only practicable source for the provision of these services. Cameron is also the sole provider of parts that would be used in such maintenance of the engines at the YJWWTP. Therefore, the procurement of parts for maintenance under this contract is not subject to public bidding under applicable case law recognizing the sole source exception. I hereby recommend to your Honorable Board that this procurement be treated as a sole source.

This contract is in the public's best interest because engine maintenance is critical to the operation of the sewage treatment equipment and engine maintenance ensures the proper operation of the YJWWTP. During the term of the Contract, the Department of Environmental Facilities representatives will track and monitor the required repairs and the Contractor will be responsible to comply with such regulations and make sure that all applicable regulations, safety precautions and codes are followed.

As I believe this agreement to be in the best interests of the County, I most respectfully urge your Honorable Board to approve the attached resolution.

TJL/jpi

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/05/2012 - JOMARY VIEIRA, SECRETARY

RESOLUTION

Upon communication from the Commissioner of the Department of Environmental Facilities, be it

RESOLVED, that County of Westchester is hereby authorized to enter into an agreement with Process and Compression Systems, a division of Cameron International Corporation (“Cameron”) for the provision of inspection and maintenance services for the existing enterprise engines located at the Yonkers Joint Wastewater Treatment Plant in a total amount not to exceed \$150,000, having a term of one (1) year commencing January 1, 2012 and terminating December 31, 2012, to be paid in accordance with contract prices; and be it further

RESOLVED, that this procurement is deemed to be a sole source procurement; and be it further

RESOLVED, that this contract 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 and empowered to execute any and all documents necessary or appropriate to effectuate the purposes hereof.

Account to be Charged/Credited:

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
221	60	0110:0141	4380		\$150,000

Budget Funding Year(s): 2012 Start Date: January 1, 2012 End Date: December 31, 2012

Funding Source
\$150,000
 (must match resolution)

Tax Dollars: \$150,000
 State Aid _____
 Federal Aid _____
 Other _____