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August 21, 2012

To: The Honorable Board of Acquisition and Contract

From: Jay T. Pisco, P.E.
Commissioner of Public Works and Transportation

Re: **Resolution to exempt from the Westchester County Procurement Policy, an Agreement with Globe Fence and Railings, Inc., for the repair and installation of guide rails, for the period January 1, 2012 to April 30, 2012, in an amount not to exceed \$8,519.00, pursuant to Section 3(a)xxi of the Westchester County Procurement Policy and Procedures**

Authority is hereby requested from your Honorable Board, to exempt from the Westchester County Procurement Policy, a contract with Globe Fence and Railings, Inc., for the repair and installation of guide rails, for the period January 1, 2012 to April 30, 2012, in an amount not to exceed \$8,519.00, pursuant to Section 3(a)xxi of the Westchester County Procurement Policy and Procedures.

Ordinarily, under Section 6 of the Procurement Policy, the County is required to solicit three (3) quotations for such services. It is proposed that compliance with the Procurement Policy would not be in the best interests of the County with respect to this procurement because, since on or about January 1, 2012 until April 30, 2012, the County inadvertently requested Globe Fence and Railings, Inc. to repair guide rails without first soliciting three (3) quotations since the County believed that the previous agreement (the "Previous Agreement") between the County and Globe Fence and Railings, Inc. was in effect.

The County was authorized to enter into the previous Agreement by your Honorable Board by Resolution approved on December 23, 2008. However, the previous Agreement terminated on December 31, 2011. It should be noted by your Honorable Board that the Resolution was approved and the Previous Agreement was awarded after a public bid, wherein Globe Fence and Railings, Inc. submitted the lowest bid. Furthermore, the work performed by Globe Fence and Railings, Inc. from January 1, 2012 through April 30, 2012 will be paid in accordance with the terms and conditions of the previous Agreement.

In order to retroactively pay Globe Fence & Railings, Inc. for the repair and installation of guide rail work, without having solicited and received three (3) competitive quotes, the Board of Acquisition and Contract must determine, through a Resolution, that compliance with the procurement policy would not be in the best interests of the County, pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures.

Based on the above, it is respectfully submitted that an exemption to compliance with the procedures of the Procurement Policy be granted by your Honorable Board in accordance with Section 3(a)xxi of said Policy.

RESOLUTION

Upon a communication from the Commissioner of the Westchester County Department of Public Works and Transportation, be it

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 quotations, is neither cost effective nor expedient, and accordingly, not in the best interests of the County in connection with the procurement of an agreement with Globe Fence and Railings, Inc., 314 Center Avenue, Mamaroneck, New York 10543, for the provision of the repair and installation of guide rails, for the period January 1, 2012 to April 30, 2012, in an amount not to exceed \$8,519.00.

APPROVED BOARD OF ACQUISITION & CONTRACTS - 19/13/2012 - JOMARY VIEIRA, SECRETARY