

32737

Date: March 7, 2013

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 extend the termination date of the agreement by one year to March 14, 2014**

By short form contract approval dated March 1, 2011, the County of Westchester (the "County") was authorized to enter into 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 an amount not to exceed \$15,000.00. The Agreement was subsequently executed.

On or about June 30, 2011, your Honorable Board authorized the County 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. This first amendment was subsequently executed.

On or about May 3, 2012, your Honorable Board authorized the County to amend the agreement with Air Resources Group, LLC in order to provide for additional services, to extend the termination date by one (1) year to March 14, 2013 and to increase the not to exceed amount of the agreement from \$60,000.00 to \$107,000. This second amendment was subsequently executed.

Authority is hereby requested from your Honorable Board to again amend the agreement with Air Resources Group, LLC, in order to extend the termination date of the

agreement by one (1) year to a new termination date of March 14, 2014. This third amendment is necessary as a result of unanticipated delays in the renewal of the Title V Air Permit and as a result of damages to the Yonkers Joint Wastewater Treatment Plant due to Superstorm Sandy.

The objective of this amendment is in the County's best interest since it will authorize the County to continue working with 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. 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 - 04/11/2013 - JOAQUIM VIEIRA, SECRETARY

## RESOLUTION

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

**RESOLVED**, the County is hereby authorized to amend 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 order to extend the termination date of the agreement by one (1) year to a new termination date of March 14, 2014; 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  
 First Amendment: \$ 45,000.00  
 Second Amendment \$ 47,000.00  
This Amendment: \$ 0.00  
 TOTAL \$107,000.00

Account to be  
 Charged/Credited

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

Budget Funding Year(s) N/A Start Date 03/15/2013 End Date 03/14/2014  
 (must match resolution)

Funding Source

\$ N/A

(must match resolution)

Tax Dollars \_\_\_\_\_

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

Federal Aid \_\_\_\_\_

Other \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT / 04/11/2013 - JOMARY VIEIRA, SECRETARY