



Department of Emergency Services

Memorandum

32935

TO: Board of Acquisition and Contract

FROM: John M. Cullen
Commissioner of Emergency Services

DATE: March 15, 2013

SUBJECT: Resolution authorizing the County of Westchester to enter into an agreement with Advanced Containment Systems, Inc., to refurbish and upgrade a decontamination trailer in a total amount not to exceed \$54,954.17 having a term commencing April 15, 2013 and terminating on August 31, 2014

Transmitted herewith is a resolution requesting authority for the County of Westchester (the "County"), acting by and through its Department of Emergency Services (the "Department") to enter into an agreement with Advanced Containment Systems, Inc., ("ACSI") to refurbish and upgrade the Westchester County Decontamination Trailer operated by the Department in a total amount not to exceed \$54,954.17, and having a term starting April 15, 2013 and terminating on August 31, 2014, to be paid pursuant to an approved budget.

ACSI is the manufacturer of the County's custom built decontamination trailer which is approximately ten years old. While certain aspects of the refurbishment could be completed by other vendors, the totality of the project can only be successfully done by ACSI, the original manufacturer of the uniquely customized trailer. ACSI will be refurbishing and upgrading components of the trailer's decontamination system and this type of system must be refurbished and upgraded to NFPA, ANSI and OSHA standards. A new trailer like this one would cost about \$129,000 which is more than double the cost proposed by ACSI to refurbish and upgrade this decontamination trailer.

Pursuant to Section 9 of the Westchester County Procurement Policy and procedures, and after reasonable investigation, it has been determined that ACSI is the only practicable source for the provision of these services. In addition, the New York State Division of Homeland Security and Emergency Services by letter dated January 24, 2013 approved the Department's request to enter into a sole source contract with ACSI for the refurbishment of the decontamination trailer. ACSI is the sole source for the provision of parts and services for the refurbishment of the decontamination trailer. Therefore, the procurement of parts for the refurbishment of the trailer 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.

The proposed agreement is in the public's best interest because it will enhance emergency preparedness and will promote the safety and well-being of County residents. The goals and objectives of the agreement are to enhance the County's emergency response efforts. During the term of the proposed agreement, the Department representatives will track and monitor the required services.

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.

JMC/TSA

RESOLUTION

Upon a communication from the Commissioner of Emergency Services, be it hereby

RESOLVED, that County of Westchester, acting by and through its Department of Emergency Services (the "Department"), is hereby authorized to enter into an agreement with Advanced Containment Systems, Inc. ("ACSI") to refurbish and upgrade the Westchester County Decontamination Trailer operated by the Department in a total amount not to exceed \$54,954.17, for a term starting April 15, 2013 and terminating on August 31, 2014, to be paid pursuant to an approved budget; 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 authorized and empowered to execute and deliver all instruments and take all actions necessary or appropriate to effectuate the purposes hereof.

Account to be Charged/credited	Fund	Agency	Capital Project Or Org	Object/ Sub Object	Trust Account	Activity	Dollars
	263	20	340L	4380	T340	8000	\$54,954.17

Budget Funding Year(s) 2013-2014_ Start Date: April 15, 2013 End Date: August 14, 2014__
 (must match resolution)

Funding Source	Tax Dollars _____
	State Aid _____
<u>\$54,954.17</u>	Federal Aid <u>\$54,954.17</u>
(must match resolution)	Other _____