

37109

TO: Board of Acquisition and Contract

FROM: Kunjlata Ashar, M.D.
Medical Examiner/Pathologist
Department of Laboratories and Research

DATE: November 21, 2013

RE: **Authority for the County of Westchester acting by and through its Department of Laboratories and Research to execute an agreement consenting to the assignment of an agreement with Benchmark Analytics, Inc. to Microbac Laboratories, Inc.**

By Resolution approved March 3, 2013, your Honorable Board authorized the County of Westchester (the "County"), acting by and through its Department of Laboratories and Research ("the Department") to enter into an agreement (the "Agreement") with Benchmark Analytics, Inc. ("Benchmark") for the provision of environmental laboratory analyses of water samples, on an as-needed basis for the period January 1, 2013 through December 31, 2014 in an amount not-to-exceed Forty-Five Thousand (\$45,000) Dollars. The Agreement was subsequently executed.

The Department was notified by way of a letter dated November 11, 2013 and received on November 19, 2013 that Microbac Laboratories, Inc. ("Microbac") is purchasing substantially all of the assets of Benchmark. Further, it was requested that the County consent to the assignment of the aforementioned Agreement from Benchmark to Microbac in which Microbac would assume all of the rights, obligations and liabilities of Benchmark under the Agreement.

The attached resolution, if approved by your Honorable Board, would authorize the County to execute an agreement consenting to the assignment of the Agreement from Benchmark to Microbac. Such assignment would be effective as of the date of the purchase of Benchmark's assets by Microbac.

The objective of this assignment is in the County's best interest because it will provide for uninterrupted environmental laboratory analyses of water samples and therefore continuing to promote the public health and safety by ensuring continued safe

drinking water for the residents of the County, as well as wastewater discharge monitoring.

The Department shall continue to track the progress of the Agreement.

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

KA/lac

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/19/2013 - JOMARY VEIRA SECRETARY

R E S O L U T I O N

Upon a communication from the Medical Examiner/Pathologist, be it hereby:

RESOLVED, the County is hereby authorized to execute an agreement consenting to the assignment of an agreement for the provision of environmental laboratory analyses of water samples, on an as-needed basis for the term January 1, 2013 through December 31, 2013 in an amount not-to-exceed Forty-Five Thousand (\$45,000) Dollars (the "Agreement") with Benchmark Analytics, Inc. ("Benchmark") to Microbac Laboratories, Inc. ("Microbac") as of the date of the purchase of the assets of Benchmark by Microbac; and be it further

RESOLVED, that pursuant to such agreement, Microbac will assume all of Benchmark's obligations under the Agreement; and be it further

RESOLVED, that all other terms and conditions of the Agreement shall remain unchanged; and be it further

RESOLVED, that such assignment will be effective as of the date of the purchase of Benchmark's assets by Microbac; 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.

Account to be
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars
N/A	31				N/A

Budget Funding Year(s) _____ Start Date 01/01/13 End Date 12/31/13
(must match resolution)

Funding Source _____ Tax Dollars N/A

N/A State Aid _____
Federal Aid _____

(must match resolution) Other _____