

Robert P. Astorino
County Executive

Department of Environmental Facilities

Thomas J. Lauro, P.E.
Commissioner

37901

DATE: January 15, 2014

TO: Board of Acquisition and Contract

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

RE: Authorization to authorize the extension of a contract with ELQ Industries, Inc. (the "Contract") for an additional three-year term commencing May 23, 2014

A resolution was approved on 4/28/2011 that authorized the County to enter into a contract with ELQ Industries, Inc. ("ELQ"), low bidder, for Emergency Repair of Leaks, Westchester County Sewer and Water Districts, Various Locations throughout Westchester County for a three-year period. The Bid specification specified that the County would have the option to extend the contract for one additional three-year period based on the terms and conditions specified in the bid document. However, the Cover Letter and Resolution to Award did not reference the option to extend. An amended Cover Letter and amended Resolution to Award referencing the option to mutually extend the contract was approved Your Honorable Board on 6/23/2011. Due to events of Superstorm Sandy on October 29 & 30, 2012, Change Order No. 1 in the amount of \$1,400,000.00 was approved by Your Honorable Board on February 14, 2013.

During the term of the original contract, ELQ has provided satisfactory service to the County. Accordingly, authority is also requested to exercise the County's option to extend the ELQ contract for the additional three-year period in the amount of \$1,050,000.00, as provided for in the original bid document.

The goal and/or objective of this contract is for a prompt response to sewer system or water system emergencies which require an immediate repair or correction on a 24/7 basis, that cannot be handled with County equipment alone. The response and work are monitored by representatives of the department throughout the emergency to make sure all applicable regulations, safety precautions and codes regarding the protection of persons and property are adhered to and that a cost-effective project is the end product.

This contract is deemed to fulfill a public purpose as the services provided under this Contract protect the buildings and facilities owned by the Department of Environmental Facilities and enable the Department to carry out its basic mission to provide wastewater treatment, satisfactory water quality and safe drinking water. To that end, the Contract promotes the public health and welfare by insuring prompt repairs and proper operation of the County's Trunk Sewer System and County's Water District Operations.

Approval of the attached resolution is respectfully requested.

TJL/MP
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 02/06/2014 - JOMARY VILTA, SECRETARY

RESOLUTION

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

RESOLVED: the resolution approved April 28, 2011 authorizing a contract with ELQ Industries, Inc. ("ELQ"), low bidder, for Emergency Repair of Leaks, Westchester County Sewer and Water Districts, Various Locations throughout Westchester County for a three-year period, was amended June 23, 2011, to include the option to extend the contract by mutual consent of the County and ELQ for one additional three year term with all pricing, terms and conditions remaining the same as in the original contract; and be it further

RESOLVED: the County is authorized to extend the ELQ Contract for one additional three year term commencing May 23, 2014 at a cost not to exceed \$1,050,000.00 as provided in the bid document; and be it further

RESOLVED: All other terms of the ELQ contract shall remain the same; and be it further

RESOLVED: that this contract extension is subject to annual 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 budget of the State of New York and/or the adoption of the State Budget or any amendments thereto, and after the County has a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of 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 such 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 duly authorized designee is hereby authorized to execute any and all instruments and take all actions necessary to accomplish the purpose hereof.

Account to be Charged/Credited	Major Program, Program & Phase		Object/ Sub Object	Trust Account	Dollars
	Fund	Dept Or Unit			
2014	221	60 0110	4310		\$204,167
2015	221	60 0110	4310		\$350,000
2016	221	60 0110	4310		\$350,000
2017	221	60 0110	4310		\$145,833

Budget Funding Year(s) 2014-2017 Start Date 05/23/2014 End Date 05/22/2017
(must match resolution)

Funding Source	Tax Dollars <u>\$1,050,000</u>
	State Aid _____
\$ <u>1,050,000</u>	Federal Aid _____
(must match resolution)	Other _____