

Robert P. Astorino
County Executive

Department of Environmental Facilities

Thomas J. Lauro, P.E.
Commissioner

45376

TO: Board of Acquisition and Contract

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

DATE: March 17, 2015

SUBJECT: Resolution to **(a.)** rescind a prior resolution approved on January 22, 2015 authorizing the County of Westchester (the "County"), acting by and through its Department of Environmental Facilities (the "Department"), to enter into an agreement with Analytical Services, Inc. for the provision of cryptosporidium testing and preparation of reports as required by the United States Environmental Protection Agency ("EPA") Long Term 2 Surface Water Treatment Rule-Round 2 monitoring in an amount not to exceed \$68,855.00 for the period February 1, 2015 and continuing through June 30, 2018; and **(b.)** authorize the County, acting by and through the Department to enter into an agreement with Analytical Services, Inc. for the provision of cryptosporidium analysis in accordance with EPA method 1623.1 and the Long Term 2 Enhanced Surface Water Treatment Rule in an amount not to exceed \$171,024.00 commencing on April 1, 2015 and continuing through December 31, 2018 payable pursuant to an agreed upon schedule

On January 22, 2015, your Honorable Board approved a resolution ("prior resolution") authorizing the County of Westchester (the "County"), acting by and through its Department of Environmental Facilities (the "Department"), to enter into an agreement with Analytical Services, Inc. in an amount not to exceed \$68,855.00 for the provision of cryptosporidium testing and preparation of reports as required by the United States Environmental Protection Agency ("EPA") Long Term 2 Surface Water Treatment Rule-Round 2 monitoring for County Water District No. 1 for the period February 1, 2015 and continuing through June 30, 2018 payable pursuant to a schedule.

In accordance with the County Procurement Policy, the Department had issued requests for quotations from three certified laboratories; Analytical Services, Inc., EMSL Analytical, Inc., and Environmental Associates, Ltd. The Department received two quotations in

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Wastewater Treatment
Water Agency

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response to these requests with no response from Environmental Associates, Ltd. Analytical Services, Inc. submitted the lowest quotation.

The agreement with Analytical Services, Inc. was never executed due to a change in the requirements for cryptosporidium testing that have been imposed on the County by the EPA with regard to County Water District No.1 including, but not limited to, the size and frequency of the sampling and testing. Therefore, it is being requested that your Honorable Board's approval of the prior resolution be rescinded.

It is necessary that a new agreement be approved to comply with the new testing requirements required by the EPA. In order to comply with the County Procurement Policy for this new agreement, the Department issued a Request for Proposals ("RFP") for "Cryptosporidium Analysis in Accordance with EPA Method 1623.1 & Long Term 2 Enhanced Surface Water Treatment Rule" on Friday, March 6, 2015 by posting the RFP on the County website for RFPs and by notifying the following certified laboratories about the RFP: Analytical Services, Inc., EMSL Analytical Inc., and Environmental Associates, Ltd.

The Department received responses to the RFP from the following laboratories: Analytical Services, Inc. and EMSL Analytical, Inc. After review and rating of the RFPs, the Department has determined that Analytical Services, Inc. submitted the proposal that is most advantageous to the County because they are a certified laboratory and approved by the EPA, have the resources to perform the work and they provided the lowest cost proposal.

Therefore, it is respectfully requested that your Honorable Board approve the attached resolution authorizing the County, by and through the Department to enter into an agreement with Analytical Services, Inc. for the provision of cryptosporidium analysis in accordance with EPA Method 1623.1 and the Long Term 2 Enhanced Surface Water Treatment Rule in an amount not to exceed \$171,024.00 for the term commencing on April 1, 2015 and continuing through December 31, 2018 payable pursuant to an agreed upon schedule.

This agreement is necessary, is in the public's best interest and will serve a public purpose in that it will enable the County to comply with the cryptosporidium testing requirements being imposed on the County by the EPA. It is further in the public's best interest because this testing will monitor the safety of the drinking water consumed by the residents of County Water District No.1.

The goals and objectives of this agreement will be to comply with the EPA requirements and to provide safe drinking water to the residents of County Water District No.1. These goals and objectives will be tracked and monitored by the Department.

As I believe this agreement is necessary and is in the best interests of the County, I most respectfully urge your Honorable Board to approve the attached resolution.

TJL/lac
Attachment

RESOLUTION

Contract # EF-1503

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

RESOLVED, that the resolution approved on January 22, 2015 authorizing the County of Westchester (the "County"), by and through its Department of Environmental Facilities (the "Department") to enter into an agreement with Analytical Services, Inc. for the provision of cryptosporidium testing and preparation of reports in an amount not to exceed \$68,855.00 for a term commencing February 1, 2015 and continuing through June 30, 2018 is hereby rescinded; and be it further

RESOLVED, that the County, by and through the Department, is hereby authorized to enter into an agreement with Analytical Services, Inc. for the provision of cryptosporidium analysis in accordance with the United States Environmental Protection Agency Method 1623.1 and Long Term 2 Enhanced Surface Water Treatment Rule for County Water District No.1 in a not to exceed amount of \$171,024.00 for the term commencing on April 1, 2015 through December 31, 2018 (the "Agreement"); 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 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 hereby authorized and empowered to execute any and all documents necessary or appropriate to effectuate the purposes hereof.

Account to be charged/		Fund	Dept	Major Program, Program & Phase or Unit	Object/Sub Object	Trust Account	Dollars
Credited	2015	241	60	5110	4380		\$34,204.50
	2016	241	60	5110	4380		\$45,606.50
	2017	241	60	5110	4380		\$45,606.50
	2018	241	60	5110	4380		\$45,606.50

Budget Funding Year(s): 2015 -18 Start Date: April 1, 2015 End Date: December 31, 2018

Funding Source

Tax Dollars: \$171,024

State Aid _____

\$171,024.

Federal Aid _____

(must match resolution)

Other _____