

52197

Date: June 6, 2016

To: The Honorable Board of Acquisition and Contract

From: Thomas J. Lauro
Commissioner of Environmental Facilities

Re: Authority to amend a “short form” agreement with Cornerstone Engineering and Land Surveying PLLC for the provision of soil probe investigation services for the period from February 1, 2016 through December 31, 2016 in an amount not-to-exceed \$17,000, by 1) expanding the scope of services to include a gas collection evaluation study; and 2) increasing the not-to-exceed amount by an additional \$4,375.

On or about March 1, 2016, the County, acting by and through its Department of Environmental Conservation (“DEF”) entered into a “short-form” contract with Cornerstone Engineering and Land Surveying PLLC (“Cornerstone”) to perform a soil probe investigation at the Croton Landfill for the period from February 1, 2016 through December 31, 2016 in an amount not-to-exceed \$17,000 (the “Agreement”). The Agreement was subsequently executed. DEF now seeks the authority of your Honorable Board to amend the Agreement in order to expand the scope of services and increase the not-to-exceed amount.

By way of background, in November 2015, a DEF crew excavated test pits at the Croton Landfill and found evidence of solid waste outside the perimeter of the covered landfill. As a result, DEF executed Short Form Contract 16-005-EF with Cornerstone to perform a soil probe investigation to determine if significant pockets of solid waste were buried outside of the landfill and contributing to the gas migration issue. In March, Cornerstone performed the soil investigation and found no evidence of solid waste but recorded high gas readings, leading to the conclusion that gas is migrating from underneath the cover to an area outside the landfill perimeter.

As part of the Agreement, Cornerstone is required to issue a report of its findings and a recommendation for mitigation. However, while Cornerstone can conclude that there is no solid waste beyond the perimeter of the landfill, the high gas readings require an additional investigation that was not anticipated at the time the Agreement was originally procured; specifically that a gas collection evaluation be performed to determine if the gas vacuum can be restored utilizing existing wells or if additional wells need to be installed to bring the gas under

the landfill cap. Cornerstone cannot make a recommendation without conducting this study. The funds in 16-005-EF have been exhausted and an additional \$4,375 will need to be added to compensate Cornerstone for the additional study, thereby increasing the total not-to-exceed contract amount from \$17,000 to \$21,375.

As your Honorable Board is aware, amendments to short-form contracts which result in term extensions beyond the one (1) year threshold for short-form contracts and/or increases in the not-to-exceed amount in excess of \$20,000, must first be approved by your Honorable Board. Since the NTE amount of the Agreement will now exceed the NTE threshold of \$20,000, the authority of your Honorable Board is now required.

Accordingly, authority is respectfully requested to amend the Agreement with Cornerstone for the provision of soil probe investigation services at the Croton Landfill for the period from February 1, 2016 through December 31, 2016 in an amount not-to-exceed \$17,000, by amending the Agreement in order to 1) expand the scope of services to include a gas collection evaluation study; and 2) increase the not-to-exceed amount thereunder by an additional \$4,375, from an amount not-to-exceed \$17,000 to an amount not-to-exceed \$21,375, to compensate Cornerstone for the additional services rendered.

It should be noted that DEF has complied with the Westchester County Procurement Policy. In accordance with Section 7 of the Policy, DEF solicited price quotations from the following three (3) environmental engineering firms: Cornerstone, Arcadis and HDR Engineering. Arcadis was not interested in performing the services and HDR Engineering did not respond to the County's solicitation. All three companies are included on the list of contractors approved for Solid Waste projects and have extensive landfill construction experience. Since Cornerstone submitted a price quotation that was deemed reasonable and since they have performed satisfactorily under previous contracts with the County, they were awarded the contract.

Except as specifically amended hereby, all other terms and conditions of the Agreement will remain the same.

The Agreement will serve a public purpose by preventing the migration of solid waste beyond the perimeter of the landfill which could pose environmental and public health hazards.

The goals and objectives of this Agreement are to conduct an evaluation to determine if solid waste and/or gases have migrated beyond the perimeter of the Croton Landfill so that DEF can employ appropriate mitigation measures to contain the waste..

The Agreement will be tracked and monitored by DEF staff.

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

TJL/LV/jpg

RESOLUTION

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

RESOLVED, that the County of Westchester is hereby authorized to amend a “short form” agreement with Cornerstone Engineering and Land Surveying PLLC (“Cornerstone”) for the performance of a soil probe investigation at the Croton Landfill for the period from February 1, 2016 through December 31, 2016 in an amount not-to-exceed \$17,000 (the “Agreement”), by 1) expanding the scope of services to include a gas collection evaluation study to determine if the gas vacuum can be restored; and 2) increasing the not-to-exceed amount thereunder by an additional \$4,375, from an amount not-to-exceed \$17,000 to an amount not-to-exceed \$21,375, in order compensate Cornerstone for additional services rendered; and be it further

RESOLVED, that except as specifically amended hereby, all other terms and conditions of the Agreement shall remain in full force and effect; and be it further

RESOLVED, that the County Attorney or his duly appointed designee be, and hereby is, authorized to take such action and execute such documents as may be necessary and proper to effect the purposes hereof.

Account to be
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
251	60	7600	4380		\$4,375

Budget Funding Year(s) 201_-201_ Start Date _2/1/16___ End Date _12/31/16___
(must match resolution)

Funding Source Tax Dollars ___\$4,375_____

State Aid _____

\$ 4,375 Federal Aid _____

(must match resolution)

Other _____