

**58497**

To: BOARD OF ACQUISITION AND CONTRACT

From: THOMAS J. LAURO, P.E.  
COMMISSIONER, ENVIRONMENTAL FACILITIES

Date: August 10, 2017

SUBJECT: AUTHORITY TO ENTER INTO AN AGREEMENT WITH FIRST ENVIRONMENT, INC. FOR COMPLIANCE AUDITING SERVICES FOR THE DEPARTMENT OF ENVIRONMENTAL FACILITIES, FOR A TERM SEPTEMBER 1, 2017 TO DECEMBER 31, 2019 FOR A FEE NOT TO EXCEED \$122,420 PAYABLE PURSUANT TO AN APPROVED BUDGET

Westchester County Department of Environmental Facilities distributed a Request for Proposals ("RFP") on June 21, 2017 to five experienced compliance auditing firms it identified to provide compliance auditing services for evaluation of compliance with applicable legal and other requirements pursuant to the protection of the environment. The RFP directed proposals were to be submitted no later than July 14, 2017.

On or before July 14, 2017 three proposals were received. Proposals were submitted by Triumvirate Environmental, BSI Quantum, and First Environment, Inc. Although First Environment, Inc. was not the lowest proposer, they were found to be the first-ranked proposer based on their experience and qualifications. First Environment, Inc. has provided compliance auditing services to the Department in the past and continues to be qualified to provide these services. Their proposed cost is reasonable for the scope of services requested.

The term of the agreement is for two and one third years, from September 1, 2017 through December 31, 2019, encompassing a three phased approach to auditing all of the Department's facilities.

Therefore, authority is requested to enter into an agreement with First Environment, Inc. for compliance auditing services for evaluation of compliance with applicable legal and other requirements pursuant to the protection of the environment for a fee not to exceed \$122,420, payable pursuant to an approved budget.

Approval of the enclosed resolution is respectfully requested.

**RESOLUTION**

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

**RESOLVED** , that the County of Westchester is authorized to enter into an agreement with First Environment, Inc. for Compliance Auditing Services for evaluation of compliance with applicable legal and other requirements pursuant to the protection of the environment for a term of September 1<sup>st</sup> 2017 through December 31<sup>st</sup> 2019 and for a fee not to exceed \$122,420, payable pursuant to an approved budget.

**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 to execute and documents and take any actions necessary and appropriate to effectuate the purposes of this resolution.

Account to be Charged/Credited

Year	Fund	Dept	Major Program, Program & Phase or Unit	Object/Sub-Object	Trust Account	Dollars
2017	221	60		4420		\$39,420
2018	221	60		4420		\$42,530
2019	221	60		4420		\$40,470

**Budget Funding Years(s)** 2017– 2019 **Start Date:** 09/01/2017 **End Date:** 12/31/2019

Funding Source

Tax Dollars     \$122,420      
 State Aid: \_\_\_\_\_  
 Federal Aid: \_\_\_\_\_  
 Other: \_\_\_\_\_

\$     122,420      
 (must match resolution)