

TO: Board of Acquisition and Contract

FROM: Millard J. Hyland, M.D.
Medical Examiner/ Pathologist
Department of Labs & Research

DATE: December 29, 2009

RE: **Resolution authorizing the County of Westchester to enter into an Agreement (LAB 10-02) with Benchmark Analytics, Inc., for the provision of environmental laboratory analyses of water samples, on an as-needed basis, for a term commencing on January 1, 2010 and expiring December 31, 2010, in an amount not to exceed Forty-Five Thousand (\$45,000) Dollars.**

The attached resolution, if approved by your Honorable Board, would authorize the County of Westchester (the "County") 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 a term commencing on January 1, 2010 and expiring December 31, 2010, in an amount no to exceed Forty-Five Thousand (\$45,000) Dollars, in accordance with the fee schedules submitted in Benchmark's price proposal to the County.

The Agreement will give the County access to additional analytical testing methodologies, above and beyond those analytical testing methodologies and services currently performed by the County. Although the County maintains an environmental laboratory with full service environmental testing capabilities, there are occasions throughout each year, for testing to be performed utilizing certain test methodologies that are not within the scope of work performed at the County's laboratory. The types of environmental samples that are routinely tested include drinking water, wastewater, soils, solids, wastes and hazardous materials. Thus, the County will be able to provide comprehensive laboratory testing services while restricting its certifications and associated costs. Contract costs, plus handling fees will be billed directly to the customer requesting the tests.

The procurement is exempt under section 3(a) viii of the procurement policy, which exempts, among other things, contracts for the services of laboratory technicians. Although this procurement is exempt, the requirements section 5 of the Westchester County Procurement Policy were followed: Quotations were solicited from four (4) entities and price quotes were received from two (2) of the entities, with Benchmark Analytics, Inc. submitting the lowest price proposal. The calculation of lowest price proposal was based on fees submitted by the two entities for the two most commonly requested tests - Dioxin 1613B and 25 Dioxins 8290 (See Attachment "A").

The public purpose served by this Agreement is the public health and safety of the residents of Westchester County by ensuring continued safe drinking water, as well as wastewater discharge monitoring. The goal of the Agreement is to give the Department of Laboratories and Research (the "Department") access to an additional list of analytical testing methodologies, above and beyond those analytical testing methodologies and services currently provided by and performed by the Department.

Although the Department maintains an environmental laboratory with full service environmental testing capabilities, there are occasions every year, for testing to be performed utilizing certain test methodologies that are not within the scope of work performed at the Department's laboratory. Having access to a laboratory that can help fill the gap of missing test methodologies, not offered by the Department's laboratory but offered at Benchmark Analytics, Inc., is beneficial since County clients can have one source access to all test methodologies available in the marketplace which could be performed on environmental samples for the purposes of identifying the presence or absence of contamination, meeting official compliance, monitoring test requirements, solving problems, and obtaining knowledge of the composition of a sample. These clients include County citizens, businesses, companies, schools, hospitals, villages, towns, cities, and County departments. The types of environmental samples that are routinely tested include drinking water, wastewater, soils, solids, wastes and hazardous materials. The handling of samples by the Department's laboratory for shipment to Benchmark ensures that they are collected and processed properly, and that the proper test results are obtained and provided to the proper authorities. Fees for any tests performed by Benchmark are paid for by the client requesting the tests, and the fees are credited to the Department's revenue fund. The Agreement's progress shall be tracked by direct reporting of the results to the County by Benchmark, as requested by the County.

As I believe this Agreement to be in the best interests of the County, I most respectfully urge your Honorable Board to approve the attached proposed Resolution.

MJH:ib
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 1-21-2010 - JONATHAN VIEIRA, SECRETARY

RESOLUTION

Upon a communication from Dr. Millard J. Hyland, M.D., Medical Examiner/Pathologist, be it hereby

RESOLVED, that the County of Westchester is authorized to enter into an agreement with Benchmark Analytics, Inc., for the provision of environmental laboratory analyses of water samples, on an as-needed basis, for a term commencing on January 1, 2010 and expiring December 31, 2010, in an amount not to exceed Forty-Five Thousand (\$45,000) Dollars, in accordance with the fee schedules submitted in Benchmark's price proposal to the County; and be it further

RESOLVED, that the County is authorized to renew the agreement for up to 1 additional consecutive one-year term; provided that, in the event the County exercises its option to renew the agreement the renewal rate shall be subject to negotiation, as well as future appropriation; 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 budget of the State of New York and/or the adoption of a State Budget or any amendments thereto, and after the County has a reasonable period of time to conduct an analysis of the impacts of any such budget(s) on County finances, to terminate the agreement authorized herein 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 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
101	31	0010-4100	4380		\$45,000

Budget Funding Year(s) 2010 Start Date 01/01/10 End Date 12/31/10
(must match resolution)

Funding Source Tax Dollars \$45,000

\$45,000 State Aid _____
Federal Aid _____

(must match resolution) Other _____

ATTACHMENT "A"

Chemical Analytical Services
Proposals Received December 18, 2009
Total – Not to Exceed \$45,000

This agreement for analytical services of laboratory samples is used as needed for the analyses of substances not performed by our laboratory. We utilize the service most frequently for:

Dioxin 1613B
25 Dioxins 8290

The following computed cost is based on estimated 2009 quantities of the above referenced tests, at the 2010 proposed price.

Benchmark Analytics, Inc 2566 Pennsylvania Avenue Sayre, PA 11840	\$45,004
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H2M Labs, Inc. 575 Broad Hollow Road Melville, NY 11747	\$47,140
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Commercial Lab Enterprise (WMOB) 270 Swinton Avenue Bronx, NY 10465	No bid
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MWH Laboratories 750 Royal Oaks Drive Monrovia, CA 91016	No bid
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APPROVED BOARD OF ACQUISITION & CONTRACT - 1-21-2010 - SOMARY VIEIRA, SECRETARY