

71817

TO: Honorable Board of Acquisition and Contract

FROM: John M. Nonna
County Attorney

DATE: September 25, 2019

SUBJECT: Resolution to exempt from the Westchester County Procurement Policy the procurement of an agreement with WSP USA Inc. to provide environmental consulting services in support of the County's litigation regarding the use of aqueous film-forming foams containing per- and polyfluoroalkyl substances at Westchester County Airport, pursuant to Section 3(a)xxi of the Westchester County Procurement Policy and Procedures.

Authority is hereby requested from your Honorable Board to exempt the procurement of an agreement between the County of Westchester ("County") and WSP USA Inc. ("WSP") to provide environmental consulting services in support of the County's litigation regarding the use of aqueous film-forming foams containing per- and polyfluoroalkyl substances ("PFAS") at Westchester County Airport (the "Airport"), as required from the application of the Westchester County Procurement Policy and Procedures pursuant to Section 3a(xxii) thereof.

The agreement with WSP will be for a term from July 1, 2019 to June 30, 2024, for an amount not to exceed \$100,000.00 payable pursuant to an approved budget and subject to budget appropriations. At the County's option, the agreement may be renewed for an additional five years.

The litigation involves the use by prior Airport tenants of fire-fighting foam containing PFAS. WSP has been involved in sampling and analyzing groundwater at the Airport for several years, and is therefore uniquely qualified to assist the Law Department in this litigation. Services will include, but not be limited to: review of litigation-related documents and files; interpretation of sampling and analytical data; research of historical site data and activities; project related travel; expert opinion and testimony; consultation with County attorneys and outside counsel; field work; meeting attendance; project management; and other consulting services as directed by the County Attorney.

Pursuant to Section 3(a)xxii, the Westchester County Procurement Policy and Procedures are not applicable to any procurement for which this Honorable Board determines, by resolution passed prior to commencing such procurement, that compliance with the policy would not be in the best interests of the County. Based upon the foregoing, it is proposed that the best interests of the County would be served by exempting this agreement from the procedures of the County's Procurement Policy. A resolution to exempt this agreement from procurement is hereby submitted for your consideration.

JMN/DLV/dlv

RESOLUTION

Upon a communication from the County Attorney, be it hereby

RESOLVED, that pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, it is hereby determined that application of the procedural requirements contained therein, including the necessity of soliciting price quotations, is neither cost effective nor expedient, and accordingly, not in the best interests of the County of Westchester (“County”) in connection with the procurement of an agreement with WSP USA Inc. (“WSP”) to provide environmental consulting services in support of the County’s litigation regarding the use of aqueous film-forming foams containing per- and polyfluoroalkyl substances (“PFAS”) at Westchester County Airport.

APPROVED BOARD OF ACQUISITION & CONTRACT - 09/26/2017 - WSP USA INC. SECRETARY