

Office of the County Executive

11428

Date: May 14, 2010

To: The Honorable Board of Acquisition and Contract

From: Robert P. Astorino
County Executive

Re: **Resolution to authorize execution of a second amendment to a New York State Environmental Restoration Program Grant Agreement awarded for additional investigation and remediation of environmental conditions at Davids Island, to increase the dollar amount awarded under the grant by \$80,940 and to extend the termination date from December 30, 2008 to December 31, 2010.**

Pursuant to Act No. 126-2005 and Resolution 84-2005 approved by the County Board of Legislators and a Board of Acquisition and Contract resolution approved on February 2, 2006, the County entered into two agreements in connection with the award of the New York State Environmental Restoration Program Grant (the "State Assistance Contract") for additional investigation and remediation of environmental conditions at Davids Island, under which the County and the City of New Rochelle (the "City") are joint applicants. The two agreements are:

- (1) the State Assistance Contract executed by and between the State, the County and the City awarding the ERP grant and specifying the terms of its administration ("ERP Agreement"); and
- (2) an Agreement by and between the County and the City outlining the terms applicable to the parties' joint applicancy for the ERP grant ("IMA").

Pursuant to a resolution approved on August 22, 2008, the County entered into a first amendment under the ERP Agreement which increased the amount of the grant funds to be provided by the State and extend the term of the ERP Agreement through December 30, 2008. The County has recently been advised that the amount of funds under the ERP Agreement available for this project has again been increased, this time by an additional \$80,940.00. In order to complete the scope of services, a proposed second amendment to the ERP Agreement has been developed by which the termination date has been extended through December 31,

2010. The goal and objective of this Agreement is to provide for the continuation of the investigation and remediation of the environmental conditions on David's Island. Accepting these additional funds will contribute toward this goal. The County will monitor the ERP Agreement by continuing to review invoices received for the work prior to authorizing payments. The County will not be responsible for any additional funds beyond the County's original commitment not to exceed \$60,000, as the City has agreed to provide the additional matching funds. No additional approval from the Board of Legislators is necessary since the original Board Act authorized the execution of the ERP Agreement as the County's \$60,000 local share has not changed and the authorization did not set a limit on the overall contract amount. Approval of the attached resolution is respectfully requested.

RPA/dm

APPROVED BOARD OF ACQUISITION & CONTRACT - 5-27-2010 - JOMARY VIEIRA, SECRETARY

RESOLUTION

Upon a communication from the County Executive, be it hereby:

RESOLVED, that the County of Westchester (“County”) is authorized to execute a second amendment to a New York State Environmental Restoration Program State Assistance Contract (“Contract”) to increase the amount of State funding by an additional \$80,940, from \$1,142,000 to \$1,222,940 for additional investigation and remediation of environmental conditions at Davids Island, and to extend the termination date of the Contract from December 30, 2008 to December 31, 2010, at no additional cost to the County; and be it further

RESOLVED, that all other material terms and conditions of the Contract shall remain the same; and be it further

RESOLVED, that the County Executive or his authorized designee is hereby authorized to execute all instruments and take all actions reasonably necessary to implement this Resolution.

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DOMARY NEIRA, SECRETARY

Original Agreement \$ 882,000.00
 First Amendment \$ 260,000.00
 This Amendment \$ 80,940.00
 New Total Amount \$1,222,940.00

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
						No cost to County

Budget Funding Year(s) Start Date: 12/30/08
 (must match resolution)

End Date: 12/31/10

Funding Source: Tax Dollars _____

 State Aid _____

\$80,940.00 Federal Aid _____

(must match resolution)

 Other \$80,940.00_____

Contractor Federal I.D. No./
 Social Security No.: _____

Vendor No.: _____

Encumbrance No.: _____

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