

19469

May 26, 2011

To: Board of Acquisition and Contract

From: Robert F. Meehan  
County Attorney

Re: **Authority to amend and extend an agreement with Pro Safety Services, LLC for the provision of safety training and compliance services for a period of one year commencing July 1, 2011 for an amount not to exceed \$100,000**

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After completion of an RFP process and pursuant to a resolution approved on June 21, 2007, the County entered into a contract with Pro Safety Services, LLC ("Pro Safety") for the provision of safety training and compliance services on an "as needed" basis for a three year period commencing July 1, 2007, with the County's option to extend for two additional one year periods, for an amount not to exceed \$100,000 per year. The hourly rates under the Agreement are as follows: year 1, \$90; year 2, \$95; year 3, \$100; first option year commencing July 1, 2010, \$105; second option year, \$110.

For the first option year, Pro Safety agreed to amend its contract whereby the hourly rate remained at \$100. Given the difficult economic times the County continues to face, Pro Safety has agreed to amend its contract again whereby the hourly rate for the second option year will not increase and remain at \$100.

Pro Safety provides technical assistance in developing and conducting in-house safety training, educational services and regulatory compliance programs for various departments throughout the County. This contract serves a public purpose as it protects the health, safety and welfare of employees of the County by providing safety training services and monitoring compliance with work safety standards. The County has been satisfied with the services provided by Pro Safety under the original contract term and the first option year.

Pro Safety's services complement the County's Health and Safety Program for specialized services that require licensed professionals, such as Industrial Hygienists (IH), Certified Safety Professionals (CHP) and Fire Protection Engineers, to name a few.

Pro Safety also has access to the necessary specialized equipment that is often needed to evaluate various potentially dangerous environmental conditions within the County's facilities. Many of our Health and Safety decisions on policy and procedures are based upon Pro Safety's findings.

Pro Safety has performed various types of training programs as follows:

Fork Lift Operation  
Snow Plow Operator Safety Training  
Truck Driver Safety Training  
Loc out/Tag out Training  
Confined Space Training and Audits  
Hazard Communication Audits  
Personal Protective Training Programs  
OSHA 10 hour training program  
IAQ laboratory testing, reporting and recommendations  
Mold Testing and recommendations  
Asbestos testing and recommendations  
Policy Development.

Therefore, approval of the attached Resolution authorizing the County to amend the contract rate for the second option year and extend the contract for an additional one year commencing July 1, 2011 at the rate listed in the attached resolution is respectfully requested.

RFM/DNM/me

Attachment

## **RESOLUTION**

Upon a communication from the County Attorney, be it hereby

**RESOLVED**, that the County of Westchester (the "County") is authorized to extend an agreement with Pro Safety Services, LLC to provide safety training and compliance services on an "as needed" basis for the second option year commencing July 1, 2011, with a total annual dollar amount not to exceed \$100,000.00, to be paid at the rate of \$100 per hour; 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 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 Consultant, then the Consultant 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 all instruments and take all actions reasonably necessary to implement this Resolution.

