

Robert P. Astorino  
County Executive

Department of Environmental Facilities

Thomas J. Lauro, P.E.  
Commissioner

23489

**DATE:** December 07, 2011

**TO:** Board of Acquisition and Contract

**FROM:** Thomas J. Lauro, P.E.  
Commissioner

**RE:** **Authorization to amend a resolution dated December 30, 2008 authorizing award of contract EF-0806 to Naugatuck Environmental Technologies, LLC (the "Contract") to include the County's option to extend the contract for one additional three-year term and to authorize the extension of the Contract for the additional three-year term commencing March 1, 2012**

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A resolution was approved on 12/30/2008 that authorized the County authorizing award of contract EF-0806 to Naugatuck Environmental Technologies, LLC ("Naugatuck"), low bidder, for removal and disposal of dewatered sludge from the New Rochelle WWTP for a three-year period. The bid specification and contract documents specified that the County would have the option to extend the contract for one additional three-year period by mutual consent of both the contractor and the County of Westchester based on the same terms and conditions as specified in the original bid documents. However, due to a clerical error, the 12/30/08 resolution did not reference the extension option. Therefore approval is requested to amend the 12/30/08 resolution to include the three year option extension and to also exercise this extension option.

The objective and/or goal of this contract is for the safe removal and transportation of dewatered sludge from the County's New Rochelle Wastewater Treatment Plant and the disposal of this dewatered sludge off site at an approved disposal site. This contract is deemed to fulfill a public purpose as the service provided under this Contract promotes the public health and welfare of the residents of Westchester County by insuring the proper operation of the New Rochelle Wastewater Treatment Plant and enables the Department to carry out its basic mission to provide wastewater treatment and maintain satisfactory water quality. A chain-of-custody receipt system will record all persons and all equipment involved in removing, transporting and disposing of the County's dewatered sludge under this Contract. The dewatered sludge receipt system is being instituted to ensure the proper tracking and transfer of responsibility of all of the County's dewatered sludge that is removed, transported and disposed of under this Contract from its removal from the County site through its acceptance at the Contractor's disposal site; it also will document removal, transport and disposal operations in compliance with laws, regulations and permit authorization and support the Contractor's application for payment.

During the term of the original contract, Naugatuck has provided satisfactory service to the County. Accordingly, authority is also requested to exercise the County's option to extend the Naugatuck contract for the additional three-year period in the amount of \$6,073,758.00 (82,200 Wet Tons @ \$73.89 per Wet Ton), as provided in the original bid document.

Approval of the attached resolution is respectfully requested.

TJL/MFQ/LKD  
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/29/2011 - JOMARY VIEIRA, SECRETARY

# RESOLUTION

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

**RESOLVED:** the resolution dated December 30, 2008 awarding contract EF-0806 to Naugatuck Environmental Technologies, LLC (the "Contract") for removal and disposal of dewatered sludge from the New Rochelle WWTP for a three-year period is hereby amended to include the County's option to extend the contract for one additional three-year period upon the same terms and conditions, in order to correct a clerical error and conform with the original bid specification and contract documents; and be it further

**RESOLVED:** the County is authorized to extend the Naugatuck Contract for one additional three-year term commencing March 1, 2012 at a cost not to exceed \$6,073,758.00 (82,200 Wet Tons @ \$73.89 per Wet Ton) as provided in the bid specifications and contract documents; and be it further

**RESOLVED:** All other terms and conditions of the Naugatuck contract shall remain the same; and be it further

**RESOLVED,** that this contract extension is subject to annual 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 the State Budget or any amendments thereto, and after the County has a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of 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 such 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 duly authorized designee is hereby authorized to execute any and all instruments and take all actions necessary to accomplish the purpose hereof.

Account to be  
Charged/Credited

	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
2012	221	60	0110	4380-99		\$1,687,155.00
2013	221	60	0110	4380-99		\$2,024,586.00
2014	221	60	0110	4380-99		\$2,024,586.00
2015	221	60	0110	4380-99		\$ 337,431.00

Budget Funding Year(s) 2012-2015 Start Date 03/01/2012 End Date 02/28/2015  
(must match resolution)

Funding Source

Tax Dollars 100% County

State Aid \_\_\_\_\_

NTE \$6,073,758.00  
(must match resolution)

Federal Aid \_\_\_\_\_

Other \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/29/2011 - JOMARY WERA, SECRETARY