

25667

March 19, 2012

To: Board of Acquisition and Contract

From: Jay T. Pisco, P.E.
Commissioner of Public Works and Transportation

Re: Authorization to enter into an agreement, No. 11-561 for services related to the repair and replacement of equipment associated with flood damage at the new Gate of Heaven Pumping Station, Valhalla, New York, to Engineered Fluid, Inc., in a total amount not to exceed \$170,000.00 and having a term of August 30, 2011 through June 30, 2012

The existing Gate of Heaven Pumping Station in Valhalla, New York provides water from the New York City Department of Environmental Protection ("NYCDEP") Catskill Aqueduct to customers in County Water District No. 3, which includes the Valhalla Campus. This project will connect the station to the NYCDEP Delaware Aqueduct supply. The project was necessitated by the NYCDEP project which entails shutting down the Catskill Aqueduct for inspection and repairs.

Capital Project WD30203, Water System Improvements, Water District No. 3, consists of: Agreement No. 09-910 with Malcolm Pirnie, Inc. ("MPI") for engineering services; Purchase Order No. 46 PO1003716 with Engineered Fluid, Inc. ("EFI") for the pre-purchase of a factory-built pumping station with an ultraviolet disinfection system, and Contract No. 09-516 with Arben Group LLC ("Arben") for construction, including connecting the pumping station and installing a sixteen (16) inch drinking water transmission main.

The construction of the new Gate of Heaven Pumping Station and transmission main began on August 10, 2010. The pump station was completed, delivered to the site and placed on the foundation on June 21, 2011. The work continued until August 30, 2011 when an unforeseen incident occurred which caused the new pump station to become flooded. MPI, Arben and County Water District ("CWD") personnel were on or near the site preparing for a pipeline tie-in between the new pipeline and existing pipeline. The new pipeline section was to tie into an existing pipeline that ends at the CWD No. 3 water tank on Bradhurst Avenue. Operating the existing valves connected to the water tank was the responsibility of CWD personnel. During the work, a valve failed, allowing the water tank to partially empty into the work excavation and subsequently into the pump station basement, causing a flooding condition. The water filled the pump station basement approximately six (6) to seven (7) feet above the floor elevation, submerging pumps, motors, valves, electrical disconnect panel and various instrumentation equipment. EFI was not involved in this work and has no culpability in the events leading up to the flooding and equipment damage.

The submerged equipment had been new, factory installed and tested. The flooding damage required removal and rehabilitation of pump motors, inspection of all electrical wiring, cleaning and drying of all electrical conduits and re-testing of all equipment and controls. This work included water pump motor baking and re-wiring. This was determined to be more timely and economical than replacing the water pump motors.

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The EFI Purchase Order includes a two (2) year manufacturer's warranty which will commence after start-up and acceptance, and covers all equipment, components and systems provided in or with the pumping station. During the warranty period, the manufacturer bears the full cost of labor and materials for replacement and/or repair of faulty or defective components. The warranty gives the County a single source responsible party for all specified components.

The new Gate of Heaven Pumping Station was manufactured by EFI, and EFI is the sole provider for all manufactured specified parts for service. In addition, the County must utilize EFI to service and repair the new Gate of Heaven Pumping Station in order to maintain the manufacturer's warranty. Therefore, this contract is not subject to public bidding and I recommend to your Honorable Board that this procurement be treated as a Sole Source Procurement pursuant to Section 9 of the Westchester County Procurement Policy and Procedures.

This contract is in the public's best interest because it will promote the health and safety of the general public by providing a new pump station that meets current State and Health Department codes and standards, thus addressing the County Executive's priority area: Health and the Environment (HE). There are no energy or environmental components associated with this contract.

The department will track scheduling and accomplishments by the contractor and perform on-site inspections to ensure the successful completion of this project.

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

JTP/LR
Attachment

RESOLUTION

CONTRACT NO. 11-561

Upon a communication from the Commissioner of Public Works and Transportation, be it hereby

RESOLVED, that the County of Westchester is hereby authorized to enter into a contract with Engineered Fluid, Inc. ("EFI"), P.O. Box 723, Centralia, Illinois 62801, whereby EFI will provide repair and replacement services relating to flood damage at the new Gate of Heaven Pumping Station, Valhalla, New York, in a total amount not to exceed \$170,000.00, and having a term of August 30, 2011 through June 30, 2012; and be it further

RESOLVED, that it has been determined that EFI is a sole source provider of the required services and that this contract is not subject to public bidding, pursuant to Section 9 of the County Procurement Policy; and be it further

RESOLVED, that this contract is subject to County appropriations; 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 or 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
	322	60	WD30203C	6210-99		\$170,000.00

Budget Funding Year(s) 2012 Start Date 08/30/11 End Date 06/30/12
(must match resolution)

Funding Source: Tax Dollars 100% County Contractor Federal I.D. No./
Social Security No.: _____
State Aid _____
\$170,000.00 Federal Aid _____ Vendor No.: _____
(must match resolution) Other _____ Encumbrance No.: _____