

25963

March 27, 2012

To: Board of Acquisition and Contract

From: Thomas J. Lauro
Commissioner of Environmental Facilities

Re: **Authority for the County of Westchester to amend an Agreement with Air Resources Group, LLC for consulting services in connection with the Yonkers Joint Wastewater Treatment Plant's compliance with the Federal and State mandated Title V Air Permit, in order to provide for additional services, to increase the not to exceed amount of the agreement from \$60,000.00 to \$107,000 and to extend the termination date of the agreement by one year**

By short form contract approval dated March 1, 2011, the County of Westchester (the "County") was authorized to enter into an agreement (the "Agreement") with Air Resources Group, LLC for consulting services in connection with the Yonkers Joint Wastewater Treatment Plant's compliance with the Federal and State mandated Title V Air Permit in an amount not to exceed \$15,000.00. The Agreement was subsequently executed.

On or about June 30, 2011 your Honorable Board authorized the County to amend the short form agreement with Air Resources Group, LLC for consulting services in connection with the Yonkers Joint Wastewater Treatment Plant's compliance with the Federal and State mandated Title V Air Permit, in order to provide for additional services related to addressing permit violations and to increase the not to exceed amount of the agreement from \$15,000.00 to \$60,000.00. The amendment was subsequently executed.

Authority is hereby requested from your Honorable Board to amend the agreement with Air Resources Group, LLC for consulting services in connection with the Yonkers Joint Wastewater Treatment Plant's compliance with the Federal and State mandated Title V Air Permit ("Title V Permit"), in order to provide for additional services related to addressing permit violations, to increase the not to exceed amount of the agreement from \$60,000.00 to \$107,000 and to extend the termination date of the

agreement by one year to a new termination date of March 14, 2013. This amendment is necessary as a result of unanticipated delays in the renewal of the Title V Permit and as a result of additional modeling required by NYSDEC and thus, requires a time extension to the contract along with additional work. The new Title V Permit work includes extensive revisions of semi-annual and annual compliance reporting formats and creation of new calculation worksheets for monthly record keeping.

The objective of this amendment is in the County's best interest since it will authorize the County to continue working with a consultant that is an expert in the field of NYSDEC air pollution control regulations so that the County can comply with the Federal and State mandated Title V Air Permit. The Agreement's progress shall be tracked by direct reporting of the results to the County by the Consultant, as requested by the County.

Accordingly, your favorable action on the annexed Resolution is most respectfully urged and recommended.

TJL/jpi

APPROVED BOARD OF ACQUISITION & CONTRACT - 05/03/2010 - COUNTY VEHA SECRETARY

RESOLUTION

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

RESOLVED, the County is hereby authorized to amend the agreement with Air Resources Group, LLC for consulting services in connection with the Yonkers Joint Wastewater Treatment Plant's compliance with the Federal and State mandated Title V Air Permit, in order to provide for additional services, to increase the not to exceed amount of the agreement from \$60,000.00 to \$107,000 and to extend the termination date of the agreement by one year to a new termination date of March 14, 2013; and be it further

RESOLVED, that all other terms and conditions of the Agreement shall remain unchanged; 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 Firm, then the Firm 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 such documents and take such actions as may be necessary and appropriate to effectuate the purposes hereof.

Original Agreement \$ 15,000.00
 First Amendment: \$ 45,000.00
 This Amendment \$ 47,000.00
 TOTAL \$107,000.00

Account to be
 Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
221	60	0110	0141	4380	\$47,000

Budget Funding Year(s) 2012 Start Date 03/15/2012 End Date 03/14/2013
 (must match resolution)

Funding Source Tax Dollars \$47,000
 State Aid _____
\$ 47,000 Federal Aid _____
 (must match resolution) Other _____

APPROVED BOARD OF ACQUISITION & CONTRACTS 03/15/2012 JOMARY VIEIRA, SECRETARY