

27519

June 13, 2012

TO: BOARD OF ACQUISITION and CONTRACT

FROM: THOMAS J. LAURO, P.E.
COMMISSIONER ENVIRONMENTAL FACILITIES

SUBJECT: AUTHORIZATION TO AMEND AN AGREEMENT WITH TUV
AMERICA, INC., AUTHORIZED MARCH 1, 2006 AS AMENDED,
FOR REGISTRAR SERVICES FOR THE CERTIFICATION OF THE
DEPARTMENT OF ENVIRONMENTAL FACILITIES'
ENVIRONMENTAL MANAGEMENT SYSTEM TO THE ISO 14001
STANDARD TO INCREASE THE NOT TO EXCEED AMOUNT OF
THE AGREEMENT FROM \$180,400 TO \$189,400

On March 1, 2006, your Honorable Board authorized the County to enter into a contract with TÜV America, Inc. (Technischer Überwachungsverein) of Danvers, Massachusetts, for Registrar Services for the certification of the DEF Environmental Management System to the ISO 14001 Standard (International Organization for Standardization) for the Department of Environmental Facilities for a fee not to exceed \$180,400 and with a term to end February 28, 2011. TÜV America, Inc. was highly qualified to perform the services required, had experience at wastewater treatment plants and experience at other Westchester County facilities, and was the best qualified firm. The projected cost estimate reflected the services necessary and TÜV America was one of three firms that submitted a response to the Department's request for proposals on October 20, 2005.

In accordance with its contract, TÜV America, Inc. provided to this Department independent auditing services for the first phase of the Department of Environmental Facilities Environmental Management System ("EnvMS") which included the Yonkers Joint Wastewater Treatment Plant (YJWWTP) and all activities at the Department's New Rochelle offices pertaining to YJWWTP. Following TÜV's independent audit in summer 2006, the EnvMS was certified to the ISO 14001 Standard effective September 7, 2006.

In accordance with the contract, TÜV America, Inc. continued to provide independent audit and registrar services for the certification of the DEF Environmental Management System ("EnvMS") to the ISO 14001 Standard for the Department of Environmental Facilities on an annual basis as the EnvMS first was expanded to include

the entire Wastewater Division and then expanded to include the Solid Waste Division and the Water Division.

The 2010 independent audit by TÜV America for the second phase of the EnvMS implementation was successfully completed in the summer of 2010 so that the EnvMS, which then included the entire DEF Wastewater Division (seven wastewater treatment plants and all related operations and facilities), was certified to the ISO 14001 Standard in 2010.

On June 22, 2011 your Honorable Board authorized the County to enter into a modification and extension of the term of the contract with TÜV America, Inc. to enable the independent audit of the third and final phase of the EnvMS in the summer of 2011 and to allow for one surveillance audit of the entire EnvMS by TÜV America, Inc. in the summer of 2012. In the summer of 2011, the EnvMS had been developed to include all DEF operations; the operations of two water districts and the solid waste district including recycling operations. Pursuant to the approved modification, the term of the contract was extended at no increase in fee from February 28, 2011 to December 31, 2012.

In June 2011 it was not anticipated that any modification to the not to exceed amount of the contract would be needed. However, in order to complete a surveillance audit of all DEF operations this summer, including a certification audit for the Solid Waste Division's new H-MRF facility, \$9,000 needs to be added to the not to exceed amount of the contract, increasing the not to exceed amount from \$180,400 to \$189,400. No other change in the terms and conditions of the agreement are needed.

The agreement with TÜV America, Inc. serves a public purpose by enabling this Department to implement and maintain its EnvMS and its ISO 14001 certification and to comply with the Department's "Environmental Policy", thus helping to protect the public health, safety and welfare of the residents of Westchester County.

RESOLUTION

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

RESOLVED, that the terms of the agreement with TÜV America, Inc. for Registrar Services for the certification of the DEF Environmental Management System to the ISO 14001 Standard (International Organization for Standardization) for the Department of Environmental Facilities for a fee not to exceed \$180,400, which was authorized on March 1, 2006 with a term to end on February 28, 2011, and which was amended in June 2011 to extend the term of the agreement from February 28, 2011 to December 31, 2012, is further amended to increase the not-to-exceed amount under said agreement from an aggregate total not-to-exceed amount of \$180,400 to an aggregate total not-to-exceed amount of \$189,400, and be it further

RESOLVED, that all other provisions of the Agreement with TÜV America, Inc. 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 Contractor, then the 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 authorized designee is hereby authorized to execute any documents and take any actions reasonably necessary and appropriate to effectuate the purposes of this Resolution.

Account to be

Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
221	60	0110	4420		\$9,000

Budget Funding Year(s) 2012 Start Date N/A End Date N/A
 (must match resolution)

Funding Source

Tax Dollars \$9,000

State Aid _____

\$ 9,000
 (must match resolution)

Federal Aid _____

Other _____

APPROVED BOARD OF ACQUISITION & CONTRACT 07/05/2012 - JOMARY VEIRA, SECRETARY