

ID28860

August 21, 2012

To: The Honorable Board of Acquisition and Contract

From: Kathleen M. O'Connor
Commissioner of Parks, Recreation and Conservation

Re: Resolution to exempt from the Westchester County Procurement Policy, an Agreement with Environmental Maintenance Contractors, Inc., for the removal and disposal of mold contaminated sheetrock and carpeting, for the period April 1, 2012 to May 4, 2012, in an amount not to exceed \$7,641.00, pursuant to Section 3(a)xxi of the Westchester County Procurement Policy and Procedures

Authority is hereby requested from your Honorable Board, to exempt from the Westchester County Procurement Policy, a contract with Environmental Maintenance Contractors, Inc., for the removal and disposal of mold contaminated sheetrock and carpeting, for the period April 1, 2012 to May 4, 2012, in an amount not to exceed \$7,641.00, pursuant to Section 3(a)xxi of the Westchester County Procurement Policy and Procedures.

Ordinarily, under Section 6 of the Procurement Policy, the County is required to solicit three (3) quotations for such services. It is proposed that compliance with the Procurement Policy would not be in the best interests of the County with respect to this procurement because since on or about April 1, 2012 until May 4, 2012, the County inadvertently requested Environmental Maintenance Contractors, Inc. to remove and dispose of the mold contaminated objects without first soliciting three (3) quotations since the County believed that the previous agreement (the "Previous Agreement") between the County and Environmental Maintenance Contractors, Inc. was in effect.

The County previously entered into an agreement with Environmental Maintenance Contractors, Inc. for environmental testing and abatement services with a term January 1, 2010 through December 31, 2011 in an amount not to exceed \$588,800.00. The County was authorized to enter in the previous Agreement by your Honorable Board by resolution on October 8, 2009. However, the previous Agreement terminated on December 31, 2011. It should be noted by your Honorable Board, that the Resolution was approved and the previous Agreement was awarded after a public bid, wherein Environmental Maintenance Contractors,

Inc. submitted the lowest bid. Furthermore the work performed by Environmental Maintenance Contractors, Inc. from April 1, 2012 through May 4, 2012 will be paid in accordance with the terms and conditions of the previous Agreement.

In order to retroactively pay Environmental Maintenance Contractors, Inc. for the removal and disposal of mold contaminated sheetrock and carpeting, without having solicited and received three (3) competitive quotes, the Board of Acquisition and Contract must determine, through a resolution, that compliance with the procurement policy would not be in the best interests of the County, pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures.

Based on the above, it is respectfully submitted that an exemption to compliance with the procedures of the Procurement Policy be granted by your Honorable Board in accordance with section 3(a)(xxi) of said Policy.

APPROVED BOARD OF ACQUISITION & CONTRACT - 09/2/2012 - DONALD VIERA, SECRETARY

R E S O L U T I O N

Upon a communication from the Commissioner of Parks, Recreation & Conservation, be it

RESOLVED, that pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, it is hereby determined that application of the procedural requirements contained therein, including the necessity of soliciting quotations, is neither cost effective nor expedient, and accordingly, not in the best interests of the County in connection with the procurement of an agreement with Environmental Maintenance Contractors, Inc., 5 Anderson Lane, Goldens Bridge, NY 10526, for the removal and disposal of mold contaminated sheetrock and carpeting, for the period April 1, 2012 to May 4, 2012, in an amount not to exceed \$7,641.00.

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Dollars
	165	42	1100	4380	\$7,641.00

Budget Funding Year(s) 2012 **Start Date:** April 1, 2012 **End Date:** May 4, 2012

(must match resolution)

Funding Source

Tax Dollars 100%

State Aid _____

\$ 7,641.00

Federal Aid _____

(must match resolution)

Other _____

APPROVED BOARD OF ACQUISITION & CONTRACT - CHRISTOPHER VIEIRA, SECRETARY