

Robert P. Astorino  
County Executive

Department of Environmental Facilities

Thomas J. Lauro, P.E.  
Commissioner

31712

**DATE:** January 16, 2013

**TO:** Board of Acquisition and Contract

**FROM:** Thomas J. Lauro, P.E.  
Commissioner, Department of Environmental Facilities

**RE:** **Authorization to amend a resolution dated December 03, 2009 authorizing a contract with Spectraserv Inc. (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 01, 2013**

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A resolution was approved on 12/22/2009 that authorized the County to enter into a contract (EF-0909) with Spectraserv Inc. ("Spectraserv"), low bidder, for removal and disposal of sewage sludge from the Ossining, Peekskill and Port Chester Wastewater Treatment Plants in Westchester County for a three-year period. The Bid specification specified that the County would have the option to extend the contract for one additional three-year period based on the terms and conditions specified in the bid document. This option was inadvertently omitted from both the award resolution cover letter dated 12/03/2009 and the award resolution approved on 12/22/2009. Therefore approval is requested to amend the resolution to include the three year option extension.

During the term of the original contract, Spectraserv has provided satisfactory service to the County. Accordingly, authority is also requested to exercise the County's option to extend the Spectraserv contract for the additional three-year period in the amount of \$8,888,724.00, as provided for in the original bid document.

The objective and/or goal of this contract is for the safe removal and transportation of all Sewage Sludge separated at the County's Ossining, Peekskill and Port Chester Wastewater Treatment Plants and disposal of this sewage 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 by insuring proper operation of the County's Wastewater Treatment Plants 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 Ossining, Peekskill and Port Chester WWTP's Sewage Sludge under

this Contract. The Sewage Sludge receipt system is being instituted to ensure the proper tracking and proper transferral of responsibility of all of the Ossining, Peekskill and Port Chester WWTP's Sewage Sludge removal, transported and disposed of under this Contract from its removal from the Ossining, Peekskill and Port Chester WWTP's sites through its acceptance at the Contractor's disposal site. It also will document removal, transport and disposal operations in compliance with law, regulations and permit authorization and support Contractor's application for payment.

Approval of the attached resolution is respectfully requested.

APPROVED BOARD OF ACQUISITION & CONTRACT - 02/14/2013 - JOMARY VIEIRA, SECRETARY

# RESOLUTION

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

**RESOLVED:** the resolution dated December 03, 2009 authorizing a contract (EF-0909) with Spectraserv Inc. (the "Contract") for removal and disposal of sewage sludge from the Ossining, Peekskill and Port Chester Wastewater Treatment Plants in Westchester County for a three-year period is hereby amended to include the County's option to extend the contract for one additional three-year period, with all pricing, terms and conditions remaining the same as the original contract; and be it further

**RESOLVED:** the County is authorized to extend the Spectraserv Contract for one additional three-year term commencing March 1, 2013 at a cost not to exceed \$8,888,724.00 as provided in the bid document; and be it further

**RESOLVED:** All other terms of the Spectraserv 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	Major Program, Program & Phase		Object/	Trust	Dollars
	Fund	Dept	Sub Object	Account	
2013	221	60	0110	4380	\$2,469,090.00
2014	221	60	0110	4380	\$2,962,908.00
2015	221	60	0110	4380	\$2,962,908.00
2016	221	60	0110	4380	\$493,818.00

Budget Funding Year(s) 2013-2016 Start Date 03/01/2013 End Date 02/29/2016  
(must match resolution)

Funding Source Tax Dollars 100%  
State Aid \_\_\_\_\_  
\$8,888,724 Federal Aid \_\_\_\_\_

(must match resolution)

Other \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT - 02/14/2013 - JOMARY VIEIRA, SECRETARY