

32168

TO: Board of Acquisition and Contract

FROM: Kunjlata Ashar, M.D.  
Medical Examiner/ Pathologist  
Department of Labs & Research

DATE: January 29, 2013

RE: **Resolution authorizing the County of Westchester to enter into an Agreement with Benchmark Analytics, Inc. for the provision of environmental laboratory analyses of water samples, on an as-needed basis, for a term commencing January 1, 2013 and expiring December 31, 2013, in an amount not to exceed Forty-Five Thousand (\$45,000) Dollars**

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The attached resolution, if approved by your Honorable Board, would authorize the County of Westchester (the "County") to enter into an agreement (the "Agreement") with Benchmark Analytics, Inc. ("Benchmark"), for the provision of environmental laboratory analyses of water samples, on an as-needed basis, for a term commencing January 1, 2013 and expiring December 31, 2013, in an amount not to exceed Forty-Five Thousand (\$45,000) Dollars.

The Agreement will give the County access to additional analytical testing methodologies, above and beyond those analytical testing methodologies and services currently performed by the County. Although the County maintains an environmental laboratory with full service environmental testing capabilities, there are occasions throughout each year, for testing to be performed utilizing certain test methodologies that are not within the scope of work performed at the County's laboratory. The types of environmental samples that are routinely tested include drinking water, waste water, soils, solids, wastes and hazardous materials. Thus, the County will be able to provide comprehensive laboratory testing services while restricting certifications and associated costs. Contract costs, plus handling fees will be billed directly to the customer requesting the tests.

This procurement is exempt under section 3(a) viii of the Westchester County Procurement Policy, which exempts, among other things, contracts for the services of laboratory technicians.

The objective of this Agreement is in the County's best interest because it will promote the public health and safety by ensuring continued safe drinking water for the residents of the County, as well as wastewater discharge monitoring. The goal of the Agreement is to give the Department of Laboratories and Research (the "Department") access to an additional list of analytical testing methodologies, above and beyond those analytical testing methodologies and services currently provided by and performed by the Department. Although the Department maintains an environmental laboratory with full service environmental testing capabilities, there are occasions every year, for testing

to be performed utilizing certain test methodologies that are not within the scope of work performed at the Department's laboratory. Having access to a laboratory that can help fill the gap of missing test methodologies, not offered by the Department's laboratory but offered at Benchmark's lab, is beneficial.

It is beneficial since County clients can have one source access to all test methodologies available in the marketplace which could be performed on environmental samples for the purposes of identifying the presence or absence of contamination, meeting official compliance, monitoring test requirements, solving problems, and obtaining knowledge of the composition of a sample. These clients include County citizens, businesses, companies, schools, hospitals, villages, towns, cities, and County departments. The types of environmental samples that are routinely tested include drinking water, waste water, soils, solids, wastes and hazardous materials. The handling of samples by the Department's laboratory for shipment to Benchmark ensures that they are collected and processed properly, and that the proper test results are obtained and provided to the proper authorities. Fees for any tests performed by Benchmark are paid for by the client requesting the tests, and the fees are credited to the Department's revenue fund. The Agreement's progress shall be tracked by direct reporting of the results to the County by Benchmark, as requested by the County.

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

KA/wpf/lac  
Attachment

## RESOLUTION

Upon a communication from the Medical Examiner/Pathologist, be it hereby

**RESOLVED**, that the County of Westchester is authorized to enter into an agreement with Benchmark Analytics, Inc., for the provision of environmental laboratory analyses of water samples, on an as-needed basis, for a term commencing January 1, 2013 and expiring December 31, 2013, in an amount not to exceed Forty-Five Thousand (\$45,000) Dollars; 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 budget of the State of New York and/or the adoption of a State Budget or any amendments thereto, and after the County has a reasonable period of time to conduct an analysis of the impacts of any such budget(s) on County finances, to terminate the agreement authorized herein 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 and empowered to execute any and all documents necessary and 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
101	31	0010-4100	4380		\$45,000

Budget Funding Year(s) 2013 Start Date 01/01/13 End Date 12/31/13  
(must match resolution)

Funding Source                      Tax Dollars \$45,000  
    State Aid \_\_\_\_\_  
\$45,000                                  Federal Aid \_\_\_\_\_  
 (must match resolution)            Other \_\_\_\_\_

**SCHEDULE "A"**

**Westchester County Department of Laboratories and Research  
Bid – Environmental Sample Analysis**

Bids must be sent to:

William Fallon  
Westchester County Department of Laboratories and Research  
10 Dana Road  
Valhalla, NY 10595

At a minimum, tests may be requested for:

	<u>Required DL</u>	<u>Cost</u>	<u>Subcontractor</u>
1. Asbestos, EPA 100.2	0.2 MFL	\$ <u>125.00</u>	<u>EMSL</u>
2. Bromate, EPA 300.1	5.0 ug/L	\$ <u>40.00</u>	<u>ATS - Middletown</u>
3. Chlorate, EPA 300.1	50 ug/L	\$ <u>20.00</u>	<u>N/A</u>
4. Chlorite, EPA 300.1	20 ug/L	\$ <u>20.00</u>	<u>N/A</u>
5. Dioxin, EPA 1613B	5.0 pg/L	\$ <u>325.00</u>	<u>maxxum / lancaster labs</u>
6. Dioxin*, EPA 8290		\$ <u>695.00</u>	<u>maxxum / lancaster labs</u>
7. Mercury, EPA 1631	0.5 ng/L	\$ <u>287.00</u>	<u>ATS - Middletown / Microbac</u>
8. Gross Radium, EPA 903.0		\$ <u>75.00</u>	<u>N/A</u>
9. Radium 226, EPA 903.1**		\$ <u>125.00</u>	<u>GEL</u>
10. Radium 228, EPA 904.0		\$ <u>80.00</u>	<u>N/A</u>
11. Other tests, as needed			

\*List of compounds to include 2,3,7,8-TCDD, PCDD's and PCDF's.

\*\* Required when Gross Radium exceeds 5pCi/L.

Bidder Name & Address:

Benchmark Analytics, Inc  
25701 Pennsylvania Ave  
Spring, PA 18845

Submitted By:

Renee Lantz  
Name  
[Signature]  
Signature

APPROVED BOARD OF ACQUISITION & CONTRACT - 03/2014 - JOMARY VIEIRA, SECRETARY