

39177

DATE: March 24, 2014

TO: Board of Acquisition and Contract

FROM: Sherlita Amler, M.D.
Commissioner of Health

RE: Authority for the County of Westchester, by and through its Department of Health, (the “WCDH”) to enter into a new agreement with Michael R. McCall for the provision of professional services to coordinate the County’s pest management services in consultation with the Westchester County Pest Management Committee for the period April 1, 2014 through March 31, 2015, payable monthly upon submission of an invoice for services rendered during the previous month, in an amount not to exceed \$39,960 for the period of the agreement

On June 13, 2013, your Honorable Board approved a resolution which authorized the County, acting by and through its Board of Legislators (“BOL”), to enter into an agreement (the “Agreement”) with Michael R. McCall (“Consultant”) for the provision of professional services to coordinate the County’s pest management services, in consultation with the Westchester County Pest Management Committee (“PMC”). The Agreement was for the term April 1, 2013 through March 31, 2014, with a County option to renew for an additional one year period on the same terms and conditions. In consideration for services to be rendered, the County would pay the Consultant an amount not to exceed \$39,960.00 for the period of the agreement, payable monthly upon submission of an invoice for services rendered during the previous month. The Agreement was subsequently executed by the County and the Consultant.

For this year, the Board of Legislators has transferred the funding for the agreement for the aforesaid professional services to the County Department of Health (“WCDH”) budget. In this regard, authority from your Honorable Board is requested for the WCDH to enter into a new agreement with the Consultant for the provision of professional services to coordinate the County’s pest management services in consultation with the PMC for the period April 1, 2014 through March 31, 2015, payable monthly upon submission of an invoice for services rendered during the previous month, in an amount not to exceed \$39,960 for the period of the agreement.

The PMC is an advisory committee established by the County to develop and implement pest management policies, rules and regulations, including the County’s Pesticide Reduction Law, Chapter 690, Laws of Westchester County (“Law”). PMC members are appointed by the County Board of Legislators and include four County departments in *ex officio* capacity. To accomplish the Law’s requirements, the PMC is granted numerous functions and powers, including evaluating pest management performed by County departments, maintaining data, developing procedures, training

County staff, informing the County Board of Legislators and Administration of County compliance with the Law, recommending changes, and others, as listed in the statute.

In order to carry out the purposes of the Law, the County seeks to again retain the Consultant, who will perform numerous tasks to promote compliance by the County with the Law, such as: monitoring pest control at numerous County facilities (golf courses, Playland, Valhalla campus buildings, airport, other buildings and parks), training applicable County department staff, advising County staff on best practices, reviewing compliance in recordkeeping and reporting, maintaining a records database, maintaining a liaison relationship with departments, reducing quantity of pesticide applications, utilizing least toxic materials, and other activities as provided in the Agreement scope of work.

This Agreement will serve a public purpose by helping to implement the County's policy of phasing out pesticide usage by County departments and instead, adopting non-chemical pest control strategies. The goals and objectives of this Agreement are to promote compliance by Westchester County with its pesticide reduction statutes, monitor pest control at County facilities, train County staff, maintain a records database, serve as liaison between the PMC and County departments, and other activities defined in the Agreement scope of work.

The goals and objectives of the Agreement are in the best interest of the County in terms of fiscal responsibility because the Consultant's experience will help obtain best performance from pest-control operators, promote compliance with NYS regulations on pesticide applications, reporting, and improve operation of County facilities (golf courses, others). The goals and objectives are in the best interests of the County in terms of safety, security, health and the environment because the Consultant's services will help County departments to implement integrated pest management and reduced-risk pest control practices at County facilities, resulting in improved safety for County employees and the public and increased environmental protection.

The goals and objectives of the Agreement will be tracked and monitored by WCDH through monthly meetings with PMC, frequent communication by telephone and e-mail with PMC and County departments, and written progress reports.

By separate resolution submitted concurrently on this date, it is requested that your Honorable Board determine that application of the procedural requirements for procurement be waived in accordance with Section 3(a) xxi of the Westchester County Procurement Policy as it is not in the best interest of the County to comply with such requirements.

Accordingly, your Honorable Board's approval of the attached resolution authorizing a new agreement is respectfully requested.

/SA

RESOLUTION

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

RESOLVED, that the County of Westchester, acting by and through its Department of Health, (the "WCDH"), is hereby authorized to enter into a new agreement with Michael R. McCall for the provision of professional services to coordinate the County's pest management services in consultation with the Westchester County Pest Management Committee for the period April 1, 2014 through March 31, 2015, payable monthly upon submission of an invoice for services rendered during the previous month, in an amount not to exceed \$39,960 for the period of the agreement; 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 its 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 Consultant, then the Consultant 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 be and hereby is authorized and empowered to execute all appropriate contracts or documents necessary to effectuate the purposes of this resolution in the manner prescribed by law.

Department of Health
10 County Center Road, 2nd Floor
White Plains, New York 10607

Original Agreement	\$
First Amendment	\$
This Amendment	\$ _____
TOTAL	\$

Agreement #

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub-Object	Trust Account	Dollars
101	27	0010 - HSDS	4354		\$29,970 (2014)
101	27	0010 - HSDS	4354		\$9,990 (2015)

Budget Funding Year(s)
(must match resolution)

2014 - 2015

Start Date

4/01/14

End Date

3/31/15

Funding Source

Tax Dollars

\$39,960

State Aid

\$0

\$39,960

Federal Aid

(must match resolution)

Other

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/17/2014 - JOMARY VEIRA, SECRETARY