

Robert P. Astorino
County Executive

Department of Environmental Facilities

Thomas J. Lauro, P.E.
Commissioner

40521

DATE: May 28, 2014

TO: Board of Acquisition and Contract

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

**RE: Resolution to extend a contract with Tully Environmental, Inc. (the "Contract") for three additional months commencing July 1, 2014
Contract No. EF-1104**

A resolution was approved on 6/16/2011 that authorized the County to enter into a contract with Tully Environmental, Inc. ("Tully"), low bidder, for removal of the daily production of grit from the Yonkers Joint WWTP, the Peekskill WWTP, the Ossining WWTP, the Port Chester WWTP, the Mamaroneck WWTP, the New Rochelle WWTP and from the Hutchinson and North Yonkers Pumping Stations for a three-year period from July 1, 2011 to June 30, 2014. The Bid Specification and Resolution to Award specified that the Contract may be extended by mutual consent of the Contractor and the County of Westchester for one (1) additional three year term with all prices, terms and conditions remaining the same as the original contract.

During the term of the original contract, Tully has provided satisfactory service to the County. Tully has declined to extend the term for the full three years; however, they have agreed to extend the contract for an additional three month period with all prices, terms and conditions remaining the same as the original contract. The Department agrees and would like to extend this contract for the 3 months that Tully has agreed to and also begin the process to award a new contract after the expiration of this one via a separate Authority to Advertise Resolution also being submitted to the Board of Acquisition and Contract. Authority is requested for the County to extend Contract No. EF-1104 for three additional months in the amount of \$70,875.00 (\$945.00 per pickup) with all prices, terms and conditions remaining the same as the original contract.

The objective and/or goal of this contract is for the safe removal of all Grit separated from the wastewater at the County's various Wastewater Treatment Plants and Pump Stations and the disposal of this Grit 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 Wastewater Treatment Plants and Pump Stations 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 County's Grit under this Contract. The Grit receipt system is being instituted to ensure the proper tracking and transferal of responsibility of all of the County's Grit that is removed, transported and disposed of under this Contract from its removal from the County site 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.

TJL/MP
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 06/05/2014 JUMPA WERRA SECRETARY

RESOLUTION

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

WHEREAS: the resolution approved June 16, 2011 authorizing a contract with Tully Environmental, Inc. ("Tully"), low bidder, for Contract No. EF-1104 for removal of the daily production of grit from the Yonkers Joint WWTP, the Peekskill WWTP, the Ossining WWTP, the Port Chester WWTP, the Mamaroneck WWTP, the New Rochelle WWTP and from the Hutchinson and North Yonkers Pumping Stations for a three-year period, included the option to extend the contract by mutual consent of the County and Tully for one additional three year term with all pricing, terms and conditions remaining the same as in the original contract; and be it further

RESOLVED: that Tully has declined to extend the term for the full three years; however, they have agreed to extend the contract for an additional three month period with all prices, terms and conditions remaining the same as the original contract.

RESOLVED: that the County is authorized to extend the Tully Contract for three additional months commencing July 1, 2014 at a cost not to exceed \$70,875.00 with all prices, terms and conditions remaining the same as the original contract; and be it further

RESOLVED: that all other terms of the Tully 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

2014

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
221	60	0110	4380		\$70,875.00

Budget Funding Year(s) 2014
(must match resolution)

Start Date 07/01/2014 End Date 09/30/2014

Funding Source

Tax Dollars 100% County
State Aid _____
Federal Aid _____

\$70,875.00

(must match resolution)

Other _____

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