

43194

TO: Board of Acquisition and Contract

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

DATE: November 18, 2014

SUBJECT: Resolution authorizing the County of Westchester to enter into an agreement with Dresser, Inc., for the provision of inspection, parts, repair, installation and maintenance services for the existing Dresser Roots blowers and ancillary systems located at the Yonkers Joint Wastewater Treatment Plant, in a total amount not to exceed \$726,942, and having a term of two (2) years, commencing November 1, 2014 and terminating on October 31, 2016.

Transmitted herewith is a resolution requesting authority for the County of Westchester (the "County"), acting through and by its Department of Environmental Facilities (the "Department") to enter into an agreement with Dresser, Inc. ("Dresser"), for the existing Dresser Roots blowers and ancillary systems located at the Yonkers Joint Wastewater Treatment Plant ("YJWWTP") in a total amount not to exceed \$726,942, and having a term of two (2) years starting November 1, 2014 and terminating October 31, 2016, to be paid in accordance with contract prices.

Dresser Incorporated, Industrial Air & Gas Technologies-Roots is the sole source for the provision of parts, repair, installation and maintenance services for the blowers at the YJWWTP. The blowers are designed with a patented proprietary technology and Dresser Incorporated, Industrial Air & gas Technologies-Roots is the only authorized company with the patented parts and knowledge to perform this work. I hereby recommend to your Honorable Board that this procurement be treated as a sole source.

The procurement of parts for maintenance under this contract is not subject to public bidding under section 103 of the General Municipal Law and Chapter 836 of the Laws of Westchester County under the sole source exception. Contracts not subject to public bidding are subject to the County Procurement Policy. Pursuant to Section 9 of the Westchester County Procurement Policy and procedures, and after reasonable investigation, it has been determined that Dresser is the only practicable source for the provision of these services. Dresser is also the sole provider of parts, repair, inspection, installation that would be used in such maintenance of the blowers at the YJWWTP. Therefore, the competitive procedures of the Procurement Policy are not required.

This contract is in the public's best interest because blower maintenance is critical to the operation of the sewage treatment equipment and blower maintenance ensures the proper operation of the YJWWTP.

During the term of the Contract, the Department of Environmental Facilities representatives will track and monitor the required repairs and the Contractor will be responsible to comply with such regulations and make sure that all applicable regulations, safety precautions and codes are followed.

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 resolution.

TJL/jpi

APPROVED BOARD OF ACQUISITION & CONTRACT - 11/20/2014 - JOMARY VIENA, SECRETARY

RESOLUTION

Upon communication from the Commissioner of the Department of Environmental Facilities,
be it

RESOLVED, that County of Westchester is hereby authorized to enter into an agreement with Dresser, Inc. ("Dresser"), for the provision of inspection, parts, repair, installation, and maintenance services for the existing Dresser Roots blowers located at the Yonkers Joint Wastewater Treatment Plant in a total amount not to exceed \$726,942, having a term of two (2) years commencing November 1, 2014 and terminating October 31, 2016, to be paid in accordance with contract prices; and be it further

RESOLVED, that this procurement is deemed to be a sole source procurement; and be it further

RESOLVED, that this contract 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 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 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 or appropriate to effectuate the purposes hereof.

Account to be Charged/Credited:

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Bond Act No.	Dollars
322	60	SY024-02-S	6120	167-2014	\$726,942

Budget Funding Year(s): Start Date: November 1, 2014

End Date: October 31, 2016

Funding Source

\$726,942

(must match resolution)

Tax Dollars: \$726,942

State Aid _____

Federal Aid _____

Other _____