

Robert P. Astorino  
County Executive

Department of Environmental Facilities

Thomas J. Lauro, P.E.  
Commissioner

## 51519

**DATE:** March 15, 2016

**TO:** Board of Acquisition and Contract

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

**RE: Authorization to authorize the extension of Contract No. EF-1303 with Fred A. Cook, Jr., Inc. (the "Contract") for an additional three-year term commencing on August 1, 2016**

---

A resolution was approved on 7/25/2013 that authorized the County to enter into a contract with Fred A. Cook, Jr., Inc. ("Cook"), low bidder, for Contract No. EF-1303, Sewer System On Call Cleaning and Televising, Westchester County Sewer Districts, Various Locations throughout Westchester County for a three-year period subject to the adoption of the Operating Budgets for years two and three. The Contract 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, Cook has provided satisfactory service to the County. Cook has expressed a desire to extend the Contract for an additional three year term. The County also desires to extend the Contract for an additional three year term. Accordingly, authority is requested to exercise the option to extend the Cook Contract for the additional three-year period in the amount of \$176,581.00, as provided for in the original bid document with all prices, terms and conditions remaining the same as the original contract, subject to the adoption of the Operating Budgets for years two and three.

The goal and/or objective of this contract is for a prompt response to sewer system blockages and/or overflows which require an immediate correction on a 24/7 basis, and the cleaning and televising of County sewer lines necessary to conform with current consent orders or prevent potential problems which cannot be handled with County equipment. This contract is deemed to fulfill a public purpose as the services provided under this Contract promotes the public health and welfare by insuring proper operation of the County's Trunk Sewer System and the prevention and/or elimination of any sewage overflows. The response and work are monitored by representatives of the department throughout the emergency to make sure all applicable regulations, safety precautions and codes regarding the protection of persons and property are adhered to and that a cost-effective project is the end product.

Approval of the attached resolution is respectfully requested.

TJL/MP  
Attachment

# RESOLUTION

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

**WHEREAS:** the resolution approved July 25, 2013 authorizing a contract with Fred A. Cook, Jr., Inc. ("Cook"), low bidder, for Contract No. EF-1303, Sewer System On Call Cleaning and Televising, Westchester County Sewer Districts, Various Locations throughout Westchester County for a three-year period subject to the adoption of the Operating Budgets for years two and three. The Contract 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; and be it further

**RESOLVED:** the County is authorized to extend the Cook Contract for one additional three year term subject to the adoption of the Operating Budgets for years two and three commencing on August 1, 2016 at a cost not to exceed \$176,581.00 as provided in the bid document; and be it further

**RESOLVED:** All other terms of the Cook 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	
2016	221	60	0110	4310	\$24,526.00
2017	221	60	0110	4310	\$58,860.00
2018	221	60	0110	4310	\$58,860.00
2019	221	60	0110	4310	\$34,335.00

Budget Funding Year(s) 2016-2019 Start Date 08/01/2016 End Date 07/31/2019  
(must match resolution)

Funding Source	Tax Dollars <u>100% County</u>
	State Aid _____
<u>\$176,581.00</u>	Federal Aid _____
(must match resolution)	Other _____