

55991

March 20, 2017

TO: BOARD OF ACQUISITION AND CONTRACT

FROM: THOMAS J. LAURO, P.E.
COMMISSIONER

RE: Resolution to Award to the Sole Bidder

CONTRACT NO. **EF-1701**
EMERGENCY REPAIR OF LEAKS
WESTCHESTER COUNTY SEWER AND WATER DISTRICTS
VARIOUS LOCATIONS THROUGHOUT
WESTCHESTER COUNTY, N.Y.

CONTRACTOR: ELQ Industries, Inc.
AMOUNT: AMOUNT: 2% (NTE \$1,500,000)

On March 17, 2017, one (1) bid was received and opened for Contract No. EF-1701, a contract for one three (3) year term, commencing on May 23, 2017 and expiring on May 22, 2020, for Emergency Repair of Leaks, Westchester County Sewer and Water Districts, Various Locations Throughout Westchester County, New York. 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.

The bids were reviewed by the Department and determined that ELQ Industries, Inc. submitted the sole bid in the amount of 2% for overhead and profit, based on the cost of labor, equipment and materials, not to exceed the total contract amount of \$1,500,000.

The sole bidder has been investigated and found that:

X has performed satisfactory work in the past for the County.

Past experience has been investigated and found satisfactory.

Funds for this project are available in the:

Capital Budget

MNRR

X Operating Budgets

Only one (1) contractor submitted a bid. This contract was advertised on the Empire System Purchasing Group (“ESP”) website, in addition to the Journal News, and was viewed by 23 entities on the ESP website. This contract is crucial to provide emergency repairs to sewer and water infrastructure as the public health, as well as the environment, could be at risk if repairs are not performed as soon as possible. Therefore, it is respectfully requested that this contract be awarded without the need to re-bid.

The goal and/or objective of this contract is for a prompt response to a sewer system or water system failure which requires an immediate repair on a 24/7 basis. Leaks, overflows and breaks of this type require labor, equipment and repair expertise that the County does not possess and cannot be handled by County personnel and equipment. An immediate repair to these systems is required as the public health, as well as the environment, could be at risk if a repair is not done as soon as possible. Quick response for repairs is critical to prevent a potential health and/or safety problem or prevent the problem from getting worse. The response and repair 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.

This contract is deemed to fulfill a public purpose as the services provided under this Contract promotes the public health and welfare by insuring prompt repair of damage to the County’s Sewer and Water District infrastructure and enables the Department to carry out its basic mission to provide wastewater treatment and maintain satisfactory water quality.

It is recommended that Contract No. EF-1701 be awarded to ELQ Industries, Inc. in the amount of \$2%, for overhead and profit, based on the cost of labor, equipment and materials, not to exceed the amount of \$1,500,000.00, subject to appropriations.

A proposed form of Resolution is attached.

RESOLUTION

Contract No. EF-1701

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

RESOLVED, That Contract No. EF-1701 for the Emergency Repair of Leaks, Westchester County Sewer and Water Districts, Various Locations Throughout Westchester County, New York, is awarded to the sole bidder, ELQ Industries, Inc., 567 Fifth Avenue, New Rochelle, NY., 10801 in the amount of 2% for overhead and profit, based on the cost of labor, equipment and materials, not to exceed the amount of \$1,500,000 for one three (3) year term, commencing on May 23, 2017 and expiring on May 22, 2020; and be it further

RESOLVED, 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, That this Agreement is subject to County appropriations; and be it further

RESOLVED, That this Agreement 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 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**

Year	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars
2017	221	60	0110	4310		\$305,400
2018	221	60	0110	4310		\$500,000
2019	221	60	0110	4310		\$500,000
2020	221	60	0110	4310		\$194,600

Budget Funding Year(s) 2017-2020 **Start Date** 05/23/2017 **End Date** 05/22/2020
(must match resolution)

Funding Source

Tax Dollars 100%

State Aid _____

NTE \$1,500,000

Federal Aid _____

(must match resolution)

Other _____

TJL/MP/mp