

66468

TO: Honorable Board of Acquisition and Contract

FROM: Marguerite Beirne
Chief Information Officer

DATE: December 5, 2018

SUBJECT: Resolution to Award Emergency Contract
Contract No. **IT-1561**
Emergency Microbial Remediation
Westchester County Records Center
375 Executive Boulevard
Elmsford, New York

Contractor: BMS CAT, Inc.

Amount: \$184,708.00

On December 6, 2018 I submitted a memorandum to your Honorable Board declaring an emergency (“Declaration Memorandum”), in connection with flooding that had occurred through the foundation of the Westchester County Records Center (the “Records Center”) located at 375 Executive Boulevard, Elmsford, New York on August 25, 2018 and again on September 25, 2018 left standing water on the floor for approximately three to five days on each occasion and resulted in mold growth. The Department of Information Technology undertook an analysis of the microbial growth in the Records Center and on the documents that are being stored in the area for the Office of the Westchester County Clerk.

It was determined that due to the flooding, microbial growth was found in the Records Center, specifically Aspergillus/Penicillium requiring immediate remediation to include surface cleaning as well as HEPA-equipped vacuuming to remove surface particulate. The remediation includes approximately 3,000 historical mortgage related books, which include discharge of mortgages, record of mortgages and lis pendens dating from 1879 to 1968.

The complete remediation and removal of the microbial growth or mold from these historical mortgage related documents as well as the Records Center where the leaks occurred needs to be immediately conducted in order to preserve historical documents that the County is required to maintain and preserve and to protect the health and safety of the County employees utilizing the Records Center, therefore the Department of Information Technology declared an emergency situation. As an emergency, this situation cannot await competitive bidding. The Department, following standard emergency contract protocols, selected the firm of BMS CAT, Inc. to perform the emergency remediation work.

As a result of the aforementioned investigation, and in consultation with the Law Department, it has been determined that this is a condition that was unforeseen, affects historical documents that the County is required to maintain and preserve as well as affects the health, and safety of the County’s

employees and inhabitants, and requires immediate action. Therefore, it meets the legal requirements for an emergency contract. As noted in the Declaration Memo, the Department of Information Technology, following standard emergency contract protocols, selected the firm of BMS CAT, Inc., 5718 Airport Freeway, Haltom City, Texas, 76117 to perform Contract No. IT-1561 Emergency Microbial Remediation. The emergency remediation work includes containment set up in the Records Center, air-scrubbers placed outside of containment area, historical documents will be placed in desiccant drying chamber, wiped down with chemical sponge and HEPA vacuumed and shelves and adjacent boxes wiped down with anti-microbial agents.

The cost of this remediation is in an amount not to exceed \$184,708.00. The Department has reviewed BMS CAT, Inc.'s line item breakdown for the work and has determined that the costs are reasonable and consistent with other industry wide vendors. Due to the size of this job BMS CAT, Inc. is the only company in the continental United States that has the ability to irradiate 3,000 books and up to 2,400 boxes in a reasonable timeframe. The company owns and operates its own irradiation chamber large enough to accommodate a job of this magnitude in Fort Worth, Texas. In addition, BMS CAT, Inc. is the only company that will maintain chain of custody of all records and use no subcontractors. Other vendors were contacted but the job is simply beyond the scope that they can handle, in terms of records irradiation.

Funds for this project are available in the:

Capital Budget
 Non-Recurring Budget
 Operating Budget

This emergency contract is in the public's best interest to preserve the public records and documents and to protect health and safety in removing microbial growth in the County Records Center.

This Emergency Contract Award has been reviewed by the Law Department and a proposed form of Resolution is attached hereto for your approval.

It is my recommendation that Emergency Contract No. IT-1561 be awarded to BMS CAT, Inc. in the amount of \$184,708.00.

RESOLUTION

CONTRACT NO. IT-1561

Upon communication from the Chief Information Officer, be it hereby

RESOLVED, that Contract No. IT-1561 for Emergency Microbial Remediation, Westchester County Records Center, 375 Executive Boulevard, Elmsford, New York be and is hereby awarded to the contractor, BMS CAT, Inc., in the amount of \$184,708.00, payable pursuant to an approved budget; and be it further

RESOLVED, that this contract is subject to County appropriations; 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
	101	16	5000	4200		\$184,708.00

Budget Funding Year(s): 2018 Start Date: December 1, 2018 End Date: June 1, 2019
(must match resolution)

Funding Source: Tax Dollars 100% County
State Aid _____
\$184,708.00 Federal Aid _____
(must match resolution) Other _____