

71819

TO: Honorable Board of Acquisition and Contract

FROM: John M. Nonna
County Attorney

DATE: September 25, 2019

SUBJECT: Authority to enter into an agreement with WSP USA Inc. to provide environmental consulting services in support of the County's litigation regarding the use of aqueous film-forming foams containing per- and polyfluoroalkyl substances at Westchester County Airport, for a term from July 1, 2019 to June 30, 2024, for an amount not to exceed \$100,000.00 payable pursuant to an approved budget and subject to budget appropriations, with the County's option to renew the agreement for an additional five years.

Authority of your Honorable Board is requested for the County of Westchester (the "County") acting by and through its Department of Law (the "Department") to enter into an agreement (the "Agreement") with WSP USA Inc. (the "Consultant"), 4 Westchester Park Drive, Suite 175, White Plains, New York 10604, to provide environmental consulting services in support of the County's litigation regarding the use of aqueous film-forming foams containing per- and polyfluoroalkyl substances at Westchester County Airport (the "Airport"), for a term from July 1, 2019 to June 30, 2024, for an amount not to exceed \$100,000.00 payable pursuant to an approved budget and subject to budget appropriations. At the County's option, the term of the Agreement may be renewed for an additional five years.

The litigation involves the use by prior Airport tenants of fire-fighting foam containing PFAS. WSP has been involved in sampling and analyzing groundwater at the Airport for several years, and is therefore uniquely qualified to assist the Law Department in this litigation. Services will include, but not be limited to: review of litigation-related documents and files; interpretation of sampling and analytical data; research of historical site data and activities; project related travel; expert opinion and testimony; consultation with County attorneys and outside counsel; field work; meeting attendance; project management; and other consulting services as directed by the County Attorney.

For several years, the Consultant has performed groundwater sampling and analysis at the Airport. The Consultant's experience and familiarity with the Airport makes it highly qualified to perform this important work.

Authority to exempt this Agreement from the requirements of the Westchester County Procurement Policy and Procedures pursuant to Section 3 (a) xxi thereof has been submitted to your Honorable Board in accordance with a separate resolution of even date herewith.

Funding for the work to be done in the first year has been appropriated in the Airport's 2019 operating budget. Work in additional years will be conditioned on subsequent appropriations. All of the funding for this contract would come from the Airport Special Revenue Fund. There would be no impact on the tax levy or any liability to County general funds.

The objective of this project is to assist the County in pursuing litigation. The Department will track scheduling and accomplishments by the Consultant to ensure the successful completion of this project.

I recommend adoption of the attached proposed Resolution.

JMN/DLV/dlv

APPROVED BOARD OF ACQUISITION & CONTRACTS 09/26/2019 - LISA MARIJA, SECRETARY

RESOLUTION

Upon a communication from the County Attorney, be it hereby

RESOLVED, that the County of Westchester (the “County”) acting by and through its Department of Law (the “Department”) is authorized to enter into an agreement (the “Agreement”) with WSP USA Inc. (the “Consultant”), 4 Westchester Park Drive, Suite 175, White Plains, New York 10604, to provide environmental consulting services in support of the County’s litigation regarding the use of aqueous film-forming foams containing per- and polyfluoroalkyl substances at Westchester County Airport (the “Airport”), for a term from July 1, 2019 to June 30, 2024, for an amount not to exceed \$100,000.00 payable pursuant to an approved budget and subject to budget appropriations; and be it further

RESOLVED, that services to be performed by the Consultant shall include, but not be limited to: review of litigation-related documents and files; interpretation of sampling and analytical data; research of historical site data and activities; project related travel; expert opinion and testimony; consultation with County attorneys and outside counsel; field work; meeting attendance; project management; and other consulting services as directed by the County Attorney; and be it further

RESOLVED, that the County shall have an option to renew the term of the Agreement for an additional five years; and be it further

RESOLVED, that the County Executive or his duly authorized designee is authorized to execute any instruments and to take any actions reasonably necessary to implement this Resolution.

RESOLUTION

Account to be Charged/Credited

	Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub Object	Bond Act No.	Dollars
2019	161	44	4110	4420	N/A	10,000
2020	161	44	4110	4420	N/A	30,000
2021	161	44	4110	4420	N/A	20,000
2022	161	44	4110	4420	N/A	20,000
2023	161	44	4110	4420	N/A	10,000
2024	161	44	4110	4420	N/A	10,000

Budget Funding Year(s): 2019-2024 Start Date: 07/01/2019 End Date: 06/30/2024
 (must match resolution)

Funding Source: Tax Dollars: _____

State Aid: _____

\$100,000.00 Federal Aid: _____

(must match resolution) Other: 100% Airport Special Revenue Fund

APPROVED BOARD OF ACQUISITION & CONTRACT - 09/26/2019 - USA MRLJMS SECRETARY