

73829

January 8, 2020

**TO:** Board of Acquisition and Contract

**FROM:** Vincent F. Kopicki, P.E.  
Commissioner of Environmental Facilities

**SUBJECT:** Authority to exercise the County's option to extend the term of an agreement with ELQ Industries, Inc. for one, three (3) year option period, thereby increasing the amount of the agreement by \$1,500,000.00 and extending the term of the agreement through May 22, 2023. (Contract No. EF-1701)

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By Resolution approved on April 20, 2017 (the "April 20th Resolution"), your Honorable Board awarded Contract No. EF-1701 to ELQ Industries, Inc. ("ELQ"). The April 20th Resolution authorized the County of Westchester (the "County") to enter into Contract No. EF-1701 with ELQ, pursuant to which ELQ was to provide Emergency Repair of Leaks, Westchester County Sewer and Water Districts, Various Locations Throughout Westchester County, New York for the amount of not to exceed \$1,500,000.00, for the period from May 23, 2017 through May 22, 2020, ("Contract No. EF-1701" or the "Agreement"), with the County having the option to extend the Agreement for one (1) three (3) year option period by mutual consent of the Contractor and the County. By Resolution approved on July 11, 2019 (the "July 11<sup>th</sup> Resolution"), your Honorable Board awarded Change Order #1 for Contract No. EF-1701 to ELQ Industries, Inc. ("ELQ"). The July 11th Resolution authorized an increase of \$750,000.00 to the not to exceed amount of \$1,500,000.00 in the original contract, bringing the total not to exceed amount to \$2,250,000.00.

The County, acting by and through its Department of Environmental Facilities, now seeks authority from your Honorable Board to exercise the three (3) year renewal option, and thereby, a.) increasing the amount of the Agreement by \$1,500,000.00 from an amount of \$2,250,000.00 to a new amount of \$3,750,000.00, and b.) extending the termination date of the Agreement from May 22, 2020 to May 22, 2023.

All other terms and conditions of the April 20th Resolution, July 11<sup>th</sup> Resolution and the Agreement shall remain in full force and effect and are unchanged.

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.

Approval of the attached resolution is respectfully requested.

APPROVED BOARD OF ACQUISITION & CONTRACT - 02/13/2020 - JOAN COCCIA, SECRETARY

# RESOLUTION

## Contract No. EF-1701

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

**RESOLVED**, that the County of Westchester (“County”) is authorized to exercise its three (3) year renewal option for contract EF-1701 with ELQ Industries, Inc., 567 Fifth Avenue, New Rochelle, NY , 10801, to provide Emergency Repair of Leaks, Westchester County Sewer and Water Districts, Various Locations Throughout Westchester County, New York, and thereby, a.) increase the amount of the Agreement by \$1,500,000.00 from an amount of \$2,250,000.00 to a new amount of \$3,750,000.00, and b.) extend the termination date of the Agreement from May 22, 2020 to May 22, 2023; and be it further

**RESOLVED**, that except as specifically amended hereby, all remaining terms and conditions of the April 20, 2017 Resolution, July 1, 2019 Resolution and the Agreement shall remain in full force and effect and unchanged; and be it further

**RESOLVED**, that the County Executive or his duly authorized designee is hereby authorized to execute all documents and take all actions necessary to effectuate the purpose hereof.

|                    |                       |
|--------------------|-----------------------|
| Original Agreement | \$1,500,000.00        |
| Change Order #1    | \$ 750,000.00         |
| This Extension     | <u>\$1,500,000.00</u> |
| <b>TOTAL</b>       | <b>\$3,750,000.00</b> |

| Account to be Charged/Credited |      |      | Major Program, Program & Phase | Object/    | Trust   | Dollars      |
|--------------------------------|------|------|--------------------------------|------------|---------|--------------|
|                                | Fund | Dept | Or Unit                        | Sub Object | Account |              |
| 2020                           | 221  | 60   | 0110                           | 4310       |         | \$305,400.00 |
| 2021                           | 221  | 60   | 0110                           | 4310       |         | \$500,000.00 |
| 2022                           | 221  | 60   | 0110                           | 4310       |         | \$500,000.00 |
| 2023                           | 221  | 60   | 0110                           | 4310       |         | \$194,600.00 |

Budget Funding Year(s) 2020-2023  
(must match resolution)

Start Date 05/23/2020

End Date 05/22/2023

Funding Source  
  
\$1,500,000.00  
(must match resolution)

Tax Dollars 100% County  
State Aid \_\_\_\_\_  
Federal Aid \_\_\_\_\_  
Other \_\_\_\_\_