

George Latimer  
County Executive

Vincent Kopicki, P.E.  
Commissioner

**83868**

DATE: March 30, 2021

TO: Board of Acquisition and Contract

FROM: Vincent F. Kopicki, P.E., Commissioner

RE: Resolution to Award an Emergency Contract  
Contract No.: EF-2102  
Operation and Maintenance of the Household Material Recovery Facility (H-MRF)

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Attached for your consideration is a Resolution that, if approved, would authorize the award of Contract EF-2102 for Operation and Maintenance of the Household Material Recovery Facility (H-MRF) in Valhalla to Clean Harbors Environmental Services, Inc., 770 Derby Avenue Seymour, CT 06483, in an amount not-to-exceed \$849,800.00 on an emergency basis for a term from April 2, 2021 through April 2, 2022.

In order to ensure proper operation of the facility and to protect the environment and the health and safety of the public and County employees, DEF declared an emergency situation. This Resolution is being submitted pursuant to the Emergency Declaration that was submitted to your Honorable Board on March 25, 2021, and the reasons and nature of the Emergency Basis contained in a memorandum submitted simultaneously.

In consultation with members of the County Attorney's Office and based upon the facts relayed by Department of Environmental Facility's staff, it has been determined that this is a condition that was unforeseen, affects the life, health, safety and property of the County's inhabitants, and the environment, and requires immediate attention. Therefore, this request meets the legal requirements for an emergency contract.

As an emergency, this situation cannot await competitive bidding. However, when the contract was last bid, Clean Harbors Environmental Services, Inc. was the second responsible bidder, and the firm is willing to honor its bid pricing. The Department, following its standard emergency contract protocols, selected the firm of Clean Harbors Environmental Services, Inc. to perform the work. The emergency work includes maintenance and operation of the H-MRF to

ensure safe and appropriate household hazardous material disposal is available for County residents.

The Contractor selected by the Department has been investigated and found that:

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

Operating Budget

This contract is deemed to fulfill a public purpose as the services provided under this Contract promote the public health and welfare by enabling the County to conduct its basic mission of providing proper solid waste disposal, thereby promoting environmental and public health policies, regulations, and laws. The work under the contract will be monitored by representatives of the Department of Environmental Facilities 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.

It is recommended that Contract No. EF-2102 be awarded on an Emergency Basis to Clean Harbors Environmental Services, Inc. in the amount not to exceed \$849,800.00 paid for on a time and material basis subject to appropriations.

A proposed form of Resolution is attached.

VFK/dlv/mjr

# RESOLUTION

## Contract No. EF-2102

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

**RESOLVED**, that an emergency condition developed as a result of the default of the contractor operating the Household Material Recovery Facility in Valhalla, and on March 25, 2021, the Board of Acquisition and Contract approved a Resolution defaulting that contractor and terminating the previous contract; and be it further

**RESOLVED**, that Contract No. EF-2102 for Operation and Maintenance of the Household Material Recovery Facility is awarded to Clean Harbors Environmental Services, Inc., 770 Derby Avenue, Seymour, CT 06483, in an amount not-to-exceed \$849,800.00 on an emergency basis for a term from April 2, 2021 through April 2, 2022; and be it further

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

**RESOLVED**, that this Agreement is 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 Commissioner of the Department of Environmental Facilities 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

		Major Program, Program & Phase	Object/ Sub Object	Trust Account	Dollars
2021	251	60	7800-7810	4380	\$607,000.00
2022	251	60	7800-7810	4380	\$242,800.00

**Budget Funding Year(s)** 2021-2022 **Start Date** 04/02/2021 **End Date** 04/02/2022

**(must match resolution)**

**Funding Source**

**Tax Dollars** \$849,800.00

**State Aid** \_\_\_\_\_

**NTE \$849,800.00**

**Federal Aid** \_\_\_\_\_

**(must match resolution)**

**Other** \_\_\_\_\_

VFK/MJR/sa

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/01/2021 - LISA MURRAY, SECRETARY