

85781

TO: Board of Acquisition and Contract

FROM: Aleksandar Milovanovic, M.D.
Pathologist / Deputy Medical Examiner
Department of Labs & Research

DATE: April 20, 2021

SUBJECT: Authority to amend a “short form” agreement (Lab21-02) with Microbac Laboratories, Inc., for the provision of environmental laboratory analyses of water samples, for the period from January 1, 2021 through December 31, 2021, for an amount not-to-exceed \$35,000, in order to increase the not-to-exceed amount authorized thereunder by an additional \$160,000.00, for the provision of additional services, including lower Mercury allowance requirements.

On or about April 12, 2021, the County of Westchester, acting by and through its Department of Laboratories & Research (“Department”), entered into a “short form” agreement (Lab21-02) (“Agreement”) with Microbac Laboratories, Inc. (“Microbac”), pursuant to which Microbac agreed to provide environmental laboratory analyses of water samples, for the period from January 1, 2021 through December 31, 2021, for an amount not-to-exceed \$35,000, payable at the rates set forth in the Agreement.

In August 2020, the New York State Department of Health has enacted recent changes to the New York State Public Health Law Part 5, requiring a new contaminant monitoring in public water supplies (Perfluorooctanoic acid (“PFOA”), Perfluorooctane sulfonate (“PFOS”), and 1,4-Dioxane compounds as part of a quarterly Synthetic Organic Compound (SOC) monitoring requirement). The monitoring start schedule, although predicated by the size of the Public Water Supply (PWS), was scheduled to start by at least February 25, 2021, for all categories. The additional services required in connection with the new contaminant were not factored in when the Department was seeking to renew the Agreement for calendar year 2021.

In addition, the New York State Department of Environment Conservation lowered the State Pollution Discharge Elimination System (SPDES) allowances for Mercury for each of the County’s seven (7) Waste Water Treatment Plans (WWTP) in the fall of 2020. The lower compliance level requires a more sensitive detection technology (by factor of 1,000) than the Department can currently

achieve with existing instrumentation. The low-level Mercury was a late factor that was not anticipated in 2020 when the Department was seeking to renew the Agreement.

Since the Department is working diligently toward achieving accreditation for PFOA and PFOS in order to become a full-service environmental laboratory for all its clients, and obtain a substantial revenue stream from such in-house enhanced capability, in order to have sufficient funds available to compensate Microbac for all the additional services, including those related to the new contaminant monitoring and the lower mercury allowance requirements, through the end of the contract term, the parties now desire to amend the Agreement in order to increase the not-to-exceed amount authorized thereunder by an additional \$160,000.00, from an amount not-to-exceed \$35,000 to a new amount not-to-exceed \$195,000.00.

As your Honorable Board is aware, amendments to short-form contracts which result in increases which exceed the \$35,000 threshold for short-form contracts and/or term extensions beyond the one (1) year threshold, must first be approved by your Honorable Board. Since the proposed increase to the not-to-exceed amount will exceed the \$35,000 threshold for short form contracts, the authority of your Honorable Board is now required.

Accordingly, authority is respectfully requested to amend the Agreement with Microbac, pursuant to which Microbac agreed to environmental laboratory analyses of water samples, for the period from January 1, 2021 through December 31, 2021, for an amount not-to-exceed \$35,000, payable at the rates set forth in the Agreement, by increasing the not-to-exceed amount authorized thereunder by an additional \$160,000.00, from an amount not-to-exceed \$35,000 to a new amount not-to-exceed \$195,000.00, for the provision of additional services.

Except as otherwise specifically amended hereby, all other terms and conditions of the Agreement will remain in full force and effect.

The proposed Agreement is exempt from the requirements of the Westchester County Procurement Policy and Procedures pursuant to Section 3(a)viii thereof regarding laboratory technicians.

Accordingly, I most respectfully recommend the adoption of the annexed Resolution.

AM/CMC/cmc
Attachment

RESOLUTION

Upon a communication from the Medical Examiner/Pathologist, be it hereby

RESOLVED, that the County of Westchester, acting by and through its Department of Laboratory & Research, is hereby authorized to amend a “short form” agreement (Lab21-02) with Microbac Laboratories, Inc. (“Microbac”), pursuant to which Microbac agreed to provide environmental laboratory analyses of water samples, for the period from January 1, 2021 through December 31, 2021, for an amount not-to-exceed \$35,000.00, by increasing the not-to-exceed amount authorized thereunder by an additional \$160,000.00, from an amount not-to-exceed \$35,000.00, to a new amount not-to-exceed \$195,000.00, for the provision of additional services, including those related to a new contaminant monitoring and lower mercury allowance requirements; and be it further

RESOLVED, that except as specifically amended hereby, all other terms and conditions of the Agreement shall remain in full force and effect upon the parties;

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized to execute any documents and take any actions reasonably necessary and appropriate to effectuate the purposes of this Resolution.

Original Agreement: \$35,000.00
First Amendment: \$160,000.00
 Total: \$195,000.00

Account to be
 Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Object	Sub-	Trust Account	Dollars
101	31	0010-4100	4380			\$160,000

Budget Funding Year(s) 2021 Start Date 01/01/2021 End Date 12/31/2021
 (must match resolution)

Funding Source Tax Dollars \$160,000
 State Aid _____
\$160,000 Federal Aid _____
 (must match resolution) Other \$ _____