

**MINUTES OF THE MEETING OF THE
COUNTY OF WESTCHESTER
BOARD OF ACQUISITION AND CONTRACT
HELD ON THURSDAY, FEBRUARY 14, 2019@ 11:00 A.M.**

Deputy County Executive
Chair, Board of Legislators
Budget Director
Assistant Chief Deputy County Attorney
Commissioner of Finance
Budget
County Executive's Office
Board of Legislators
Board of Legislators
Secretary BAC
Assistant Secretary BAC

Ken Jenkins
Benjamin Boykin
Larry Soule
Tami Altschiller
AnnMarie Berg
Pat Haggerty
Carl Pagano
Jaevon Boxhill
Greg Casciato
Lisa Mrijaj
Joan Cocciardi

Mr. Jenkins presided.

Mr. Jenkins said, "For the record has the Secretary to the Board gone to the reception area to invite any members of the public who wish to attend today's meeting to come to the conference room?"

Ms. Mrijaj confirmed that she had done so.

Mr. Jenkins said, "I understand the Budget Director wishes to make a motion."

Mr. Soule said, "I move to add item 30 OnBase ID #67833 a resolution seeking authority to enter into an agreement with the Westchester Arts Council, Inc. d/b/a ArtsWestchester to provide cultural services to County residents including the "Maintain Cultural Services" program, managing a County-wide arts-in-education program, providing marketing and information services informing County residents and visitors of the numerous arts opportunities available throughout the County, maintaining and upgrading its website and customer relationship management functions, making free and low-cost space available at its Arts Exchange Building, and developing and implementing County-wide cultural initiatives, in an amount not to exceed One Million Six Hundred Fifteen Thousand (\$1,615,000.00) Dollars, commencing January 1, 2019 and terminating December 31, 2019."

Mr. Boykin seconded the motion and it was unanimously approved.

Mr. Boykin said, "On item one, which is 67791, this is to amend the small item contract from \$20,000 to \$35,000, we looked into this at this point and time we do not need to amend the Procurement Policy at this time but I think we should start looking at that to bring the Procurement Policy in line with this, and this only relates to the dollar amount and not to the process. So this is my comment on that item."

Mr. Jenkins responded, "Understood Mr. Chairman, certainly we are absolutely working through looking at all the Procurement Policy, specifically on professional services, I know that that will be coming down to the Board of Legislators for your consideration and the Board because there is a modification that needs to be made at that level. The dollar amount for this is consistent with the state level, we wanted to make sure that we had consistencies."

Mr. Boykin said, "My other item relates to item 24 and this relates to the work being done at the historic Miller House, that is ID 67728 agenda item #24 which pertains to a contract for site improvements and building restoration to the historic Miller House in North Castle. The budget block for this resolution includes some temporary funding for this contract pending the approval of the Capital Budget Amendment and a Bond Act Amendment for the project that will be considered by the Board of Legislators in the next few weeks. I recognize the urgency of approving this contract today, but I am concerned about a precedent being set with this item. I would hope that we don't see any more of these temporary funding solutions in the future and I would recommend that once the full Board of Legislators approves the Capital Budget Amendment and the Bond Act Amendment with this project we will see an amended resolution come before A&C to correct the budget block for this contract and reflect the actual funding being used. The Deputy County Executive Jenkins and I talked about this item yesterday, I also talked about it with Commissioner Greechan yesterday, both before the Budget and Appropriations and Public Works Committee meeting and then subsequent on telephone conversations. We are good with this. Essentially by doing this movement before funding is there temporarily, then once we approve it we will just correct this."

Mr. Jenkins said, "Absolutely, thank you Mr. Chairman, and certainly for the record we certainly appreciate the consideration by the Board of Legislators on this particular project, the historic Miller House the Board of Legislators did adopt this particular action. There is the work that is starting to commence and certainly we are not going to have an opportunity to get to the additional dollars for this until after the Board of Legislators would absolutely approve. Should the Board of Legislators approve it, I mean it was unanimous before, but you never know. The other consideration that this is for a process perspective which we are hopeful that is actually going to go in that direction going forward and not necessarily with the speed that we have to do this the Miller House has got a whole different track of things. In general, the hope is that by this modification we are going to be able to prevent additional change orders that would happen on this job that normally would be the case. The bids that came into for this particular job showed extreme difference once we were able to do that. So again, thank you again Mr. Chairman, and we will make sure to follow up with Law and the Budget Director making sure that we have an opportunity to correct that budget box and if the right process is to make sure that we have an official resolution you should see that subsequent to the Board of Legislators taking whatever actions it needs to take on this."

Acquisition & Contract. Minutes of the meeting 2/7/19 and the SEQR Review for agenda items.

L. Mrijaj

Mr. Jenkins moved to receive and file the foregoing minutes and SEQR review, which were duly seconded and approved.

1. (67791) **County Executive – Request authority to amend a resolution authorizing the Westchester County Executive to issue certificates of authorization to the heads of the departments, boards or commissions listed therein, empowering them, pursuant to Sections 161.01 and 161.11(1) (c) of the Laws of Westchester County, to execute contracts without submitting a resolution to the Board of Acquisition and Contract, subject to certain conditions, (the "Original Resolution") is hereby modified by replacing item 'A' in the second "RESOLVED" clause of the Original Resolution with the following text:**

"A. the contract value shall not exceed the sum of THIRTY-FIVE THOUSAND DOLLARS (\$35,000.00);" and replacing item 'F' in the second "RESOLVED" clause of the Original Resolution with the following text:

"F. No contract shall be for the purchase, sale, rental, maintenance, or repair of supplies, materials, and equipment or for the services incidental thereto, except for contracts for the rental, leasing or licensing of equipment at a rate of THREE THOUSAND DOLLARS (\$3,000.00) or more per month, provided that the total

contract value does not exceed the sum of THIRTY-FIVE THOUSAND DOLLARS (\$35,000.00)".

G. Latimer

Mr. Jenkins moved the resolution, which was duly seconded and unanimously approved.

2. (67329) **CE/Office of Tourism** - Enter into 1) an agreement with the State of New York, to accept an I LOVE NY matching grant in an approximate amount of \$71,137, to be used to promote tourism in Westchester County, from 1/1/19 – 12/31/19; 2) an agreement with Hudson Valley Tourism, Inc., to provide an advertising and marketing campaign to promote tourism in the Hudson Valley Region, from 1/1/19 – 12/31/19, for lump sum amount not to exceed \$20,844.

N. Caputo

Mr. Jenkins moved the resolution, which was duly seconded and unanimously approved.

3. (67266) **Human Resources** - Pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, to exempt from procurement an agreement with Human Resources Research Organization.

M. Mahon

Mr. Jenkins moved the resolution, which was duly seconded and unanimously approved.

4. (67265) **Human Resources** - Enter into an agreement with Human Resources Research Organization to provide test services for correction officer selection, from 2/1/19 – 12/31/19, for an amount not to exceed \$22,035.

M. Mahon

Mr. Jenkins moved the resolution, which was duly seconded and unanimously approved.

5. (67204) **County Attorney** - Renew an agreement with the law firm of Bank, Sheer, Seymour & Hashmall, to provide legal services and representation to the County, in an "of counsel" capacity to the County Attorney, as needed, in connection with civil litigation in which the County is or may become involved pursuant to the County's liability and casualty self-insurance program, from 1/1/18 – 12/31/18, with the County having the option to extend the term for up to three (3) one-year periods thereafter, utilizing the same pricing, and thereby extend the termination date to 12/31/19, and the total aggregate amount to be expended under the renewal term shall not exceed \$300,000, under the listed terms and conditions.

J. Nonna

Mr. Jenkins moved the resolution, which was duly seconded and unanimously approved.

6. (67315) **County Attorney** - Enter into an agreement to retain, at County's expense, the law firm of McCarthy Fingar LLP, to serve in an "of counsel" capacity to the County Attorney, as needed, in connection with a matter concerning a will and an indenture that is anticipated to require practice in the Westchester County Surrogate's Court and/or in the New York State Supreme Court, for a total amount not to exceed \$100,000, commencing on 10/30/18 and continue until the present matter is concluded, matter ceased by County, or Agreement terminated by County.

J. Nonna

Mr. Jenkins moved the resolution, which was duly seconded and unanimously approved.

7. (67125) **Social Services** - Enter into an agreement with Westchester Community Opportunity Program, Inc., through its Victims Assistance Services program, will provide advocacy and support services to child victims of sexual abuse and severe physical abuse and to children and families receiving foster care services to ensure children's safety and reduce the risk of further abuse, from 1/1/19 – 12/31/19, for an amount not to exceed \$115,650.

K. McGuire

Mr. Jenkins moved the resolution, which was duly seconded and unanimously approved.

8. (67174) **Social Services** - Enter into an agreement with T.C. Investigations, LLC to conduct field investigations and searches to locate children in foster care placement that have been declared AWOL by the Westchester County Department of Social Services, from 1/1/19 - 12/31/19, in an amount not to exceed \$70,000, under the listed terms and conditions.

K. McGuire

Mr. Jenkins moved the resolution, which was duly seconded and unanimously approved.

9. (67301) **Social Services** - Enter into an agreement with AssureCare LLC, to provide Application Software Enhancement Upgrades and Software Maintenance Support for the existing AssureCare LLC Medical/Home Care System, which licensed software was acquired by Licensor, from 1/1/19 – 12/31/19, in an amount not to exceed \$60,000.

McGuire/Beirne

Mr. Jenkins moved the resolution, which was duly seconded and unanimously approved.

10. (67633) **Social Services** - Amend an agreement with The Sharing Community, Inc. to operate an overnight warming site/drop-in center at a facility known as the Broadway Manor Emergency Shelter located at 101 North Broadway, Yonkers, from 1/1/17 – 9/30/18, for an amount not to exceed \$597,911 by, 1) extending the term by three (3) months, to a new termination date of 12/31/18, and 2) increasing the amount by \$55,000, to a new total not to exceed amount of \$652,911, in order to pay for services during the extended term.

K. McGuire

Mr. Jenkins moved the resolution, which was duly seconded and unanimously approved.

11. (67641) **Social Services** – Enter into an agreement with The Sharing Community, Inc. (“TSC”), for the period of 1/1/19 – 12/31/19, with the County having the sole option to extend the term for up to four (4) one (1) year terms thereafter, pursuant to which agreement, a) TSC will provide services to operate single room occupancy residences, double room occupancy residences, and an emergency overnight drop-in shelter for single individuals, at 101 North Broadway, Yonkers, New York, for an amount not to exceed \$650,000 for the initial term, and b) the County will sublease 101 North Broadway, Yonkers, New York to TSC to facilitate TSC's provision of said services.

K. McGuire

Mr. Jenkins moved the resolution, which was duly seconded and unanimously approved.

12. (67302) **Senior Programs** - Enter into an agreement with the State of New York, Executive

Department, Office for the Aging, to accept a grant in the sum of \$1,078,011 in Federal funds to provide funding for various support services to the elderly under Title III-B of the Older Americans Act, from 1/1/19 – 12/31/19.

M. Carpenter

Mr. Jenkins moved the resolution, which was duly seconded and unanimously approved.

13. (67304) **Senior Programs** - Enter into an agreement with the State of New York, to accept a grant in the sum of \$532,732 to provide various support services to caregivers of persons 60 and older and to adult relative caregivers 55 and older, of children under 18, in accordance with the requirements of Title III-E of the Older Americans Act, from 1/1/19 – 12/31/19.

M. Carpenter

Mr. Jenkins moved the resolution, which was duly seconded and unanimously approved.

14. (67308) **Senior Programs Authority** to 1) enter into an agreement with New York State Office for the Aging, to accept a grant in the sum of \$2,116,965 to provide various nutrition programs for the elderly pursuant to Titles IIIC-1, IIIC-2, and the Nutritional Services Incentive Program of the Older Americans Act from 1/1/19 – 12/31/19; 2) an inter-municipal and inter-agency agreements with the two (2) entities (also the "Contractors") listed in the attached Schedule "A" to operate nutrition programs for the elderly under Titles IIIC-1, IIIC-2, and NSIP of the Older Americans Act in the individual amounts also set forth in Schedule "A" for a total aggregate amount not-to-exceed \$53,422, from 1/1/19 – 12/31/19, with the Contractors to contribute an aggregate total not-to-exceed \$13,140 in the individual amounts set forth in Schedule "A" to the III-C Programs, under the listed terms and conditions.

M. Carpenter

Mr. Jenkins moved the resolution, which was duly seconded and unanimously approved.

15. 67228) **Health** – Enter into agreements with various Hospital Providers listed in Schedule "A", to provide TB clinic patient chest X-rays and other radiological tests and interpretations as needed, from 3/1/19 – 2/29/20, in the total aggregate not to exceed amount of \$26,000, and add the following indemnification language to the proposed agreements: "that in addition to, and not in limitation of the County's standard insurance provisions, the Hospital Providers and the County agree that each shall indemnify and hold harmless the other for the amount of damage incurred by one from the other's negligence, errors or omissions in the performance of this agreement".

S. Amler

Mr. Jenkins moved the resolution, which was duly seconded and unanimously approved.

16. (67313) **Health** - Amend a 3/5/15 Resolution to enter into agreements with approved Related Services providers, pursuant to Section 4410, Part 200 of the New York State Education Law, in order to add two additional approved Related Services Providers: The Center for Visual Management, LLC, and Dana's Occupational Therapy Services PLLC, effective 3/1/19, to the list, in order to enter into agreements with these providers subject to the same terms and conditions.

S. Amler

Mr. Jenkins moved the resolution, which was duly seconded and unanimously approved.

17. (67256) **College** - Enter into Agreement No. WCC-19-907 with Lothrop Associates, LLP, Architects,

White Plains, for architectural and engineering services in connection with the Administration Building & Technology Building Roof Replacement, Westchester Community College, Valhalla, New York, for a total compensation of \$123,900, from 3/1/19 – 2/28/21. Approval of Airtek Environmental Corporation, Long Island City, as a subconsultant.

B. Miles

Mr. Jenkins moved the resolution, which was duly seconded and unanimously approved.

18. (67317) **College - Amend Agreement No. WCC-16-697 with JMZ Architects and Planners, PC, for Consulting Services in connection with the Space Utilization Study, Westchester Community College, Valhalla, New York, to extend the termination date by one year for a new termination date of 12/31/19.**

B. Miles

Mr. Jenkins moved the resolution, which was duly seconded and unanimously approved.

19. (67167) **Parks - Enter into an agreement with Metro-North Commuter Railroad, 420 Lexington Avenue, New York, NY, to co-sponsor a combination discount package to Playland Park to be sold by Metro-North at all New Haven, Hudson and Harlem Line stations, from 5/1/19 - 9/8/19, comprised of a rail fare, round-trip MetroCard, Playland Park Ride Admission and Beach/Pool coupon, for an estimated fee of \$175,000, under the listed terms and conditions.**

O 'Connor/Greechan

Mr. Jenkins moved the resolution, which was duly seconded and unanimously approved.

20. (67309) **DPW/Transportation Enter into Lease Agreement No. WCA 19001 with Seasafe Aero Services, Inc., for approximately 2,800 square feet of space in Building 4 at Westchester County Airport, from 12/1/18 – 11/30/19, for a monthly rent of \$4,799 and a monthly permit fee of \$200.00.**

Greechan/Friedman

Mr. Jenkins moved the resolution, which was duly seconded and unanimously approved.

21. (67310) **DPW/Transportation – Contract No. 14-507 with Peter J. Landi, Inc., for Park Infrastructure Improvements – Areas 1, 2, 3 and Miracle Field, Ridge Road Park, Town of Greenburgh, New York. Completed work and Final Contract Amount of \$2,994,041.**

H. Greechan

Mr. Jenkins moved the resolution, which was duly seconded and unanimously approved.

22. (67311) **DPW/Transportation – Contract No. 15-524 with Eventus Construction Co., Inc., for New Secondary Clarifier Effluent Weir Cover, Peekskill Wastewater Treatment Plant, Peekskill, New York. Completed work and Final Contract Amount of \$315,202**

H. Greechan

Mr. Jenkins moved the resolution, which was duly seconded and unanimously approved.

23. (67312) **DPW/Transportation – Contract No. 16-524 with Peter J. Landi, Inc., for Playground Site**

Work Rehabilitation, Saxon Woods Park, Village of Scarsdale and City of White Plains, New York. Completed work and Final Contract Amount of \$761,708.

H. Greechan

Mr. Jenkins moved the resolution, which was duly seconded and unanimously approved.

24. (67728) **DPW/Transportation** – Contract No. 17-522-Rev., for Site Improvements and Building Restoration, Miller House, Town of North Castle, New York. Awarded to Low Bidder, Arben Group LLC, Pleasantville, in the amount of \$2,874,648. Approval of Fran Corp. d/b/a All Bright Electric, Nyack, and Joe Lombardo Plumbing & Heating of Rockland, Inc., Suffern, as subcontractors. (4 bids)

H. Greechan

Mr. Jenkins moved the resolution, which was duly seconded and unanimously approved.

25. (67740) **DPW/Transportation** – Enter into Agreement #19-905 with LiRo Program and Construction Management, PE P.C., to provide on-call construction administration services to assist Department of Public Works and Transportation personnel in overseeing building construction projects, for a total compensation not to exceed \$2,750,000, commencing on 2/25/19 – 2/24/22. Approval of Laland Baptiste, LLC, Brooklyn, NY, as a subconsultant, under the listed terms and conditions.

H. Greechan

Mr. Jenkins moved the resolution, which was duly seconded and unanimously approved.

26. (67741) **DPW/Transportation** – Enter into Agreement No. 19-906 with Savin Engineers, P.C., Pleasantville, to provide project management services to assist Department of Public Works and Transportation personnel in managing the capital program and reducing the backlog of capital projects awaiting completion, for a total compensation not to exceed \$2,750,000, commencing on 2/25/19 – 2/24/22. Approved Nasco Construction Services, Inc., Armonk, as a subconsultant, under the listed terms and conditions.

H. Greechan

Mr. Jenkins moved the resolution, which was duly seconded and unanimously approved.

27. (67742) **DPW/Transportation** – Enter into Agreement No. 19-908 with WSP USA Inc., Briarcliff Manor, to provide On-Call Construction Administration Services for Roadway and Bridge construction projects at various locations in Westchester County, to assist Department of Public Works and Transportation personnel in overseeing construction projects, for a total compensation not to exceed \$2,250,000, commencing on 2/25/19 – 2/24/22. Approval of Louis Berger U.S., Inc., Purchase, and Hudson Valley Engineering Associates, P.C., Beacon, as subconsultants, under the listed terms and conditions.

H. Greechan

Mr. Jenkins moved the resolution, which was duly seconded and unanimously approved.

28. (67743) **DPW/Transportation** – Enter into Agreement No. 19-909 with Henningson, Durham &

Richardson Architecture and Engineering, P.C., White Plains, to provide project management services to assist Department of Public Works and Transportation personnel in managing the capital program and reducing the backlog of capital projects awaiting completion, for a total compensation not to exceed \$2,750,000, commencing on 2/15/19 – 2/24/22. Approved the three (3) listed subconsultants, under the listed terms and conditions.

H. Greechan

Mr. Jenkins moved the resolution, which was duly seconded and unanimously approved.

29. (67761) **DEF – OVER BY BOARD OF LEGISLATORS.** Request authority on behalf of Refuse Disposal District No. 1, to amend an agreement with Wheelabrator Westchester, L.P., for the disposal of municipally collected solid waste in order to exercise two (2) five (5) year renewal options for a ten (10) year term commencing on 10/22/19, under the listed terms and conditions.

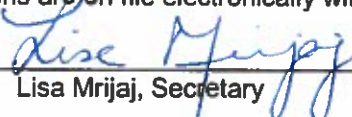
V. Kopicki

30. (67833) **County Executive –** Enter into an agreement with the Westchester Arts Council, Inc. d/b/a ArtsWestchester to provide cultural services to County residents including the “Maintain Cultural Services” program, managing a County-wide arts-in-education program, providing marketing and information services informing County residents and visitors of the numerous arts opportunities available throughout the County, maintaining and upgrading its website and customer relationship management functions, making free and low-cost space available at its Arts Exchange Building, and developing and implementing County-wide cultural initiatives, in an amount not to exceed \$1,615,000.00, commencing 1/1/19 and terminating 12/31/19.

K. Jenkins

Mr. Jenkins moved the resolution, which was duly seconded and unanimously approved.


There being no further business, the Chair declared the meeting adjourned. All approved resolutions are on file electronically with the Board of Acquisition and Contract.



Lisa Mrijaj, Secretary

I have reviewed the foregoing minutes and have found them to be correct as written.

Dated 2/15/19



Lisa Mrijaj, Secretary