

**MINUTES OF THE MEETING OF THE
COUNTY OF WESTCHESTER
BOARD OF ACQUISITION AND CONTRACT
HELD ON THURSDAY, AUGUST 22, 2019 @ 11:00 A.M.**

Deputy County Executive
Board of Legislators
Deputy Budget Director
Associate Chief Deputy County Attorney
Commissioner of Finance
Budget
County Executive's Office
Board of Legislators
Board of Legislators
Secretary BAC
DPW

Ken Jenkins
Benjamin Boykin
Gideon Grande
Tami Altschiller
AnnMarie Berg
Pat Haggerty
Carl Pagano
Greg Casciato
Jaevon Boxhill
Lisa Mrijaj
Mike Dispenza

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?"

Mrs. Mrijaj confirmed that she had done so.

Mr. Jenkins said, "I understand the Deputy Budget Director wishes to speak."

Mr. Grande said, "Yes, Mr. Chairman. The members of the Board of Acquisition and Contract have received a memo from the Commissioner of Environmental Facilities declaring a need for an emergency contract to address the Tide Gate Replacements and Regulator Improvements North Yonkers, Central Yonkers and South Yonkers Sanitary Sewer Districts. The memo states as follows: The Department of Environmental Facilities, through the North Yonkers, Central Yonkers, and South Yonkers Sanitary Sewer Districts, owns and operates five (5) tide gate regulators in the combined sewer area in the City of Yonkers. The tide gates have developed excess leakage causing excessive river water entering the combined sewer system at high tide. In addition, these tide gates are subject to debris interfering with their operation, requiring County personnel to manually clean the tide gates to allow for their operation. The tide gates are at the following locations:

- Outfall 008 – Lamartine Avenue**
- Outfall 010 – Ashburton Avenue**
- Outfall 018 – Pier Street**
- Outfall 022 – Main Street**
- Outfall 025 – Wells Avenue**

On February 13, 2019, the United States Environmental Protection Agency ("EPA") conducted a Compliance Evaluation Inspection which identified deficiencies with these tide gates and subsequently on March 21, 2019, issued an Administrative Compliance Order (CWA-02-2019-3021) that requires the repair and/or replacement of all tide gates no later than December 31, 2020.

Because of the time required to complete this work, failure to immediately undertake this project may result in a violation of EPA regulations, potentially resulting in significant financial penalties. This work will benefit the public as it enables the County to conduct its basic mission of providing

proper sanitary sewage collection, thereby promoting public health policies and laws. Time is of the essence in order to achieve compliance with EPA regulations as quickly as possible to minimize or avoid financial penalties. Design of the new tide gates is currently under way.

It was determined that due to the amount of river water and debris entering the existing tide gates, total replacement would be required. The existing tide gates were installed in the 1930's. They were previously rehabilitated in the 1990's.

In order to facilitate proper operation of the tide gates and to protect the health and safety of the public and employees, the Department of Environmental Facilities declared an emergency situation. As an emergency, this situation cannot await competitive bidding. The Department, following its standard emergency contract protocols, selected the firm of ELQ Industries, Inc., 567 Fifth Avenue, New Rochelle, NY. , 10801 to perform Contract EF-1907, Tide Gate Replacement and Regulator Improvements, North Yonkers, Central Yonkers and South Yonkers Sanitary Sewer Districts, City of Yonkers, Westchester County New York. The emergency work includes replacement of the existing tide gates with new similar size tide gates at each of the above locations as well as access improvements for maintenance and inspection purposes and to increase safety for personnel performing maintenance and inspection of the above regulators.

As the full extent of the work cannot be ascertained until design had progressed further towards completion, the Department of Environmental Facilities will at a later date submit a resolution to your Honorable Board requesting approval of Contract EF-1907."

Mr. Jenkins said, "I direct the Secretary of the Board of Acquisition and Contract to include the memo from Commissioner of Environmental Facilities as part of today's minutes for today's meeting."

Acquisition & Contract. Minutes of the meeting 8/15/19 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. (71206) **County Executive** – Pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, to exempt from procurement an agreement with Broad Avenue Realty Company, Inc.

K. Jenkins

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

2. (71208) **County Executive** – Enter into an agreement with Broad Avenue Realty Company, Inc., pursuant to which the County will purchase from Broad Avenue Realty Company, Inc., certain architectural plans developed for Broad Avenue Realty Company, Inc., for the County's use in connection with a proposed Family Court facility at 366 Pelham Road in New Rochelle for an amount not-to-exceed \$350,000.

K. Jenkins

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

3. (70872) **Youth Bureau** - Amend 28 agreements with the listed contractors to operate a portion of the County's Urban Youth Initiative Invest-in-Kids program from 1/1/18 through 12/31/19 by increasing the not-to-exceed amount by an additional \$52,616 for a new two-year total aggregate amount of \$5,314,172 under the listed terms and conditions.

D. Harris-Madden

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

4. (70971) **Human Resources**– Enter into an agreement with Public Safety Psychology PLLC to provide psychological testing for local municipal police officer candidates for a term commencing on 8/31/19 - 8/30/24, renewable at the County's option for one (1) additional year on the same terms and conditions.

M. Mahon

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

5. (70963) **Social Services** – Amend an agreement with The Sharing Community, Inc., to operate a transitional residence for homeless single men and women at a facility known as Travers House, 100 Vark Street, Yonkers, by extending the Agreement for six (6) months to end on 12/31/19 and by increasing the amount not to exceed by \$386,000 to a new amount not to exceed \$1,711,814, to cover the costs associated with the operation of the facility during the extended term.

K. McGuire

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

6. (70957) **Social Services** – Amend an agreement with Westchester Community Opportunity Program, Inc., to operate an Emergency Overnight Shelter for single adult men and women at 19 Washington Avenue, New Rochelle, for the period from 1/1/17-12/31/18 to reimburse WestCOP for the additional day time operating expenses incurred for the term 1/1/18 through 12/31/18 by increasing the amount not to exceed by \$71,604 to a new total not to exceed \$512,978.

K. McGuire

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

7. (70968) **Senior Programs** – Amend a resolution approved on 3/28/19 that authorized the County to renew an agreement with Westchester Jewish Community Services, Inc. to provide the Personal Locator Service Program under Title III-E of the Older Americans Act for the program period beginning on 1/1/19 and continuing through 12/31/19 in an amount not to exceed \$100,000 in order to 1) extend the Program services to seniors under age 60 that have early onset Alzheimer's and/or related disorders; 2) amend the Agreement to include certain updated Standard Assurances, including a revised list of federal and state statutes, regulations, policies and certain contract provisions as required by NYSOFA for compliance with all contract requirements.

M. Carpenter

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

8. (70912) **Senior Programs** – Enter into **A)** a grant agreement with the New York State Office for the Aging in an amount not to exceed \$951,658 in Unmet Need State funds for the purpose of addressing various unmet needs; **B)** agreements with the twelve entities listed in Schedule “A” to expand/provide the support services in an amount not to exceed \$721,658 in Unmet Need State funds from 4/1/19 - 3/31/20.

M. Carpenter

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

9. (70869) **Senior Programs** – Amend an agreement with Community Care Companions Inc. DBA Interim Health Care of NY for the provision of consumer directed in-home services, and homemaker and housekeeper services to frail, homebound seniors under the Expanded In-Home Services for the Elderly Program (“EISEP”) for the program period commencing 4/1/18 and continuing through 3/31/19 by reflecting the agency’s new name, Community Care Companions Inc., effective 11/1/18.

M. Carpenter

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

10. (70945) **Health** – Amend agreements approved on 3/5/15 with approved Related Services providers, pursuant to Section 4410, Part 200 of the New York State Education Law, in order to add an additional approved Related Services Provider, PearlCare Search Group, LLC, effective 9/1/19 with the same terms and conditions of the 3/5/15 resolutions as amended.

S. Amler

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

11. (70949) **DPW/Transportation** – Enter into a grant agreement with the Federal Transit Administration for a grant totaling \$3,523,102 to be used for the support operations of ParaTransit service trips that serve eligible seniors and persons with disabilities who begin or end their trips more than 3/4 of a mile from existing Bee-Line fixed route service (outside the mandated complementary ADA corridor) from 7/26/19 – 7/1/21.

H. Greechan

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

12. (70909) **DPW/Transportation** – Amend an existing Agreement No. 17-903 with D&B Engineers and Architects, P.C. for the Blue Mountain Reservation Site Work Improvements, to provide additional design services associated with this project, for an amount of \$85,630 increasing the total to \$335,612 and approval of Lynstaar Engineering, P.C. White Plains (WBE), New York and Aztech Environmental Technologies, Inc., Ballston Spa, New York as subconsultants.

H. Greechan

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

13. (70908) **DPW/Transportation** – Enter into a grant Agreement with the State of New York Governor’s Traffic Safety Committee for Westchester’s Plan4Safety Community Awareness Program, whereby the County will receive \$189,870 for the period 10/1/19 through 9/30/20 to conduct the twelfth phase of the project.

H. Greechan

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

14. (70907) **DPW/Transportation** – Contract No. 19-507, Restoration of Historic Buildings - Phase 2, Ward Pound Ridge, Towns of Lewisboro and Pound Ridge, New York. Award to the low bidder, Papitto Construction Co., Inc., Carmel, New York, in the amount of \$2,755,800. Approved subcontractor F.A. Burchetta Co., Croton-on-Hudson, New York (4 bids).

H. Greechan

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

15. (71211) **Finance** – Enter into an agreement with UMR, Inc. to provide third party administrator services for health benefits for County employees and retirees (the “TPA Services”) from 1/1/20 – 12/31/22 in an amount of \$10,775,182, under the listed terms and conditions.

A. Berg

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

16. (71219) **Finance** – Enter into an agreement with CaremarkPCS Health, LLC d/b/a CVS Health, to provide pharmacy benefit management services for the County’s self-insured prescription drug program for employees and retirees (the “PBM Services”) from 1/1/20 – 12/31/22 in an amount of \$1,542,960, under the listed terms and conditions.

A. Berg

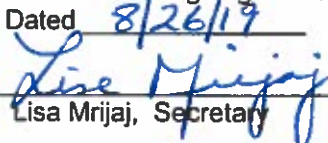
Mr. Jenkins moved the resolution, which was duly seconded and unanimously approved.

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 8/26/19


Lisa Mrijaj, Secretary



Memorandum
Department of Environmental Facilities

TO: Honorable Members of the Board of Acquisition and Contract

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

DATE: August 20, 2019

SUBJECT: Declaration of Emergency Situation
Contract EF-1907
Tide Gate Replacements and Regulator Improvements
North Yonkers, Central Yonkers and South Yonkers Sanitary Sewer Districts
City of Yonkers, Westchester County, New York

The Department of Environmental Facilities, through the North Yonkers, Central Yonkers, and South Yonkers Sanitary Sewer Districts, owns and operates five (5) tide gate regulators in the combined sewer area in the City of Yonkers. The tide gates have developed excess leakage causing excessive river water entering the combined sewer system at high tide. In addition, these tide gates are subject to debris interfering with their operation, requiring County personnel to manually clean the tide gates to allow for their operation. The tide gates are located as follows:

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