

**MINUTES OF THE MEETING OF THE
COUNTY OF WESTCHESTER
BOARD OF ACQUISITION AND CONTRACT
HELD ON THURSDAY, JANUARY 28, 2021 @ 11:00 A.M.**

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

Ken Jenkins
Benjamin Boykin
Larry Soule
AnnMarie Berg
Tami Altschiller
Greg Casciato
Mary Beth Gose
Lisa Mrijaj
Joan Cocciardi

Mr. Jenkins presided.

Mr. Jenkins said, "For the record, this meeting is being conducted in accordance with Governor Cuomo's Executive Order 202.1 as extended."

Mr. Jenkins continued, "I understand that the Budget Director wishes to speak concerning two emergency declarations."

Mr. Soule said, "The Members of the Board of Acquisition and Contract received a memorandum from the Commissioner of Public Works and Transportation declaring an emergency situation that cannot await competitive bidding at the Grasslands Radio Tower Cooling System Valhalla Campus."

This radio tower is a critical component of the communication network and manages everything from radio signals, telecommunications and critical government emergency communications. The equipment room at the radio tower generates a substantial amount of heat which has a high probability of damaging equipment and causing failure if not properly cooled. The existing cooling system is approximately 23 years old and has recently failed. The equipment is adequately cooled now with a small temporary unit which will suffice until Spring.

After evaluating several solutions to resolve the situation, we have determined in our professional opinion that the entire air conditioning unit could not be repaired and should be replaced with two smaller units working in tandem while offering a level of back up in case of a future failure. This would require changing the condensers, air handlers, piping, electrical wiring, duct work and remote management system. This approach follows the same redundancy currently in place at radio towers throughout the County.

Since cooling is a critical component to the operation of the facility, the replacement of the failed cooling system is vital and an immediate need. It must be installed prior to a warm day which is typical to occur within the next 8-10 weeks. There are no design documents, specifications or bid package currently prepared to properly bid the repair and there is not sufficient time to prepare the bid documents, allow for the bidding process and install the replacement system before the next warm weather event. If this situation is not corrected immediately the radio tower will become inoperable. A replacement air conditioning system needs to be installed to ensure continued, uninterrupted service of emergency communications. Having exhausted other avenues of remediation, the Department of Public Works and Transportation has declared an emergency situation. As an emergency, this cannot await competitive bidding. The Department, following its standard emergency contract protocols, selected Johnson Controls, Inc. with assistance from other trade contractors to provide a replacement system as specified by DPW&T at an estimated cost of \$300,000. An existing funding source has already been identified by the Information Technology Radio Group. The Department will submit a resolution to your Honorable Board at a later date requesting approval of Contract No. 21-203 to address the issues as described above.”

“In addition, the Members of the Board of Acquisition and Contract received a second memorandum from the Commissioner of Public Works and Transportation declaring an emergency situation that cannot await competitive bidding.

Concerns have been raised related to per- and polyfluoroalkyl substances (PFAS) identified in groundwater at the Westchester County Airport and surrounding areas. PFAS are reported to be very persistent in the environment, can travel via groundwater and can accumulate in the human body. Among other uses, PFAS were components of firefighting foam used at airports worldwide. Although no promulgated regulatory remediation standards have been developed for PFAS for various environmental media (i.e. soil, groundwater or sediment), the New York State Department of Environmental Conservation (NYSDEC) views PFAS as a deleterious chemical. As a result, in 2019 NYSDEC and the County of Westchester (County) entered into Order on Consent No. CO 3-20180308-44 (Order on Consent) to address the situation.

The Order on Consent required, among other things, that the County submit a remedial work plan for NYSDEC’s review. The proposed work plan calls for the County to address, by the end of the first quarter of 2021, an area of high PFAS concentration by the installation of a sealed site drainage system for the conveyance of surface storm water to Outfall No. 7, removal of contaminated soil, placement of new fill and restoration of pavement (Project).

In response to this potential health risk, the Department of Public Works and Transportation (Department) declared an emergency situation to procure the Project in an accelerated fashion. The Department, following its standard emergency contract protocols, selected the firm of R. Pugni and Sons, Inc., 25 Bedell Road, Katonah, New York 10536 to perform Contract 21-503 Storm Drain Replacement, SPDES Outfall No. 7, Westchester County Airport, Towns of Harrison and North Castle and Village of Rye Brook, New York.

As the full extent of the work will not be able to be ascertained until all repairs are completed, the Department of Public Works and Transportation will at a later date submit a resolution to your Honorable Board requesting approval of Contract 21-503.”

Mr. Jenkins said, “I direct the Secretary to the Board of Acquisition & Contract to include the memos from the Commissioner of Public Works and Transportation as part of the minutes of today’s meeting.”

Acquisition & Contract. Minutes of the meeting 1/21/21 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. (82228) **County Executive** - Pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, to exempt from procurement an agreement with The WorkPlace, Inc.

G. Latimer

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

2. (82234) **County Executive** – Enter into an agreement with The WorkPlace, Inc., to provide online training seminar for unemployed workers impacted by the COVID-19 pandemic, for a term from 1/1/21 – 12/31/21, for an amount not to exceed \$206,250.

G. Latimer

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

3. (82287) **CE/Youth Bureau** – Enter into three (3) agreements with the contractors listed, to which the Contractors will operate their remote learning programs for school aged children of essential workers, for a term commencing on 1/11/21 – 6/30/21, for an amount not to exceed \$285,433.

Latimer/Madden

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

4. (82179) **Information Technology** - Pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, to exempt from procurement an agreement with Pictometry International Corp.

M. Beirne

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

5. (82180) **Information Technology** – Enter into Agreement No. IT-1678 with Pictometry International Corp., for which Pictometry will acquire new county-wide digital oblique aerial imagery and provide products related to the use of such imagery, for a term commencing on 3/1/21 - 5/31/30, for a total amount not to exceed \$420,750.

M. Beirne

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

6. (82253) **Information Technology** – Authority to 1) amend a resolution for Agreement No. IT-1362 with Iron Mountain Information Management, LLC, for the provision of secured environmentally controlled underground records storage services, for the Department of Information Technology Records and Archives Center, for a five (5) year period, from 5/1/15 – 4/30/20, for a total not to exceed contract amount of \$70,100.00, is hereby amended in order to reflect that, upon the expiration of the initial term, the agreement shall continue with automatic renewals for additional one (1) year terms, unless written notice of non-renewal is delivered by either party to the other not less than thirty (30) days prior to the expiration; and 2) increase the not to exceed amount by \$18,410, to cover the renewal period of 5/1/20 – 4/30/21.

M. Beirne

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

7. (82252) **County Attorney** – Pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, to exempt from procurement an agreement with the law firm of Tulis & Geiger LLP ("T&G"), pursuant to which T&G will serve in an "of counsel" capacity to the County Attorney, as needed, in connection with ACME Bus Corp. v. Westchester County Department of Health, No. 8-20-08208-reg (E.D.N.Y.) (the "Case"), for a term commencing on 1/11/21 and continuing until the County no longer has an interest in the Case, as the County may determine in its sole discretion, or the County otherwise terminates the Agreement.

J. Nonna

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

8. (82254) **County Attorney** – Enter into an agreement to retain, at County expense, the law firm of Tulis & Geiger LLP (“T&G”) to serve in an “of counsel” capacity to the County Attorney, as needed, in connection with ACME Bus Corp. v. Westchester County Department of Health, No. 8-20-08208-reg (E.D.N.Y.), for a term commencing on 1/11/21 and continuing until the County no longer has an interest in the Case, as the County may determine in its sole discretion, or the County otherwise terminates the agreement, for a total amount not to exceed \$30,000, payable at a rate of \$350 per hour for the services of Mark S. Tulis, Esq. and a rate of \$275 per hour for the services of associates of T&G; provided, that this authority to enter into the agreement is contingent upon the Board of Legislators and the County Executive approving an act to authorize the County to enter into the agreement.

J. Nonna

9. (82085) **Social Services** – Amend an agreement with the Y.W.C.A. of Yonkers, Inc., to provide (i) permanent supportive housing for 35 single homeless women and (ii) Emergency Overnight Shelter for up to 50 women at a facility known as the Y.W.C.A. of Yonkers located at 87 South Broadway, Yonkers, for the period from 1/1/21 - 12/31/21, for an amount not to exceed \$1,132,840, is hereby amended for the limited purpose of changing the not to exceed amount to \$1,312,840, with all other terms and conditions to remain the same.

K. McGuire

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

10. (81896) **Senior Programs** - Enter into an Affiliation Agreement with The City University of New York, acting on behalf of the Graduate School of Public Health and Health Policy, for which the County will provide facilities, space, equipment and supplies to the College students and faculty in order for the College students to meet the clinical experience requirements set forth by the College in the College’s dietetic program, for a term of three (3) years commencing upon execution of the agreement by both parties.

M. Carpenter

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

11. (81941) **Community Mental Health** - Pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, to exempt from procurement an agreement with Coordinated Care Services, Inc.

M. Orth

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

12. (81943) **Community Mental Health** - Enter into an agreement with Coordinated Care Services, Inc., to provide various services concerning the funding the County receives from New York State for mental health services, for a term commencing on 1/1/21 – 12/31/21, for an amount not to exceed \$44,300.

M. Orth

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

13. (82278) **Community Mental Health** – Amend a 1/21/21 resolution with Inspiria Outdoor Advertising to place a 30 second ad/commercial in various media outlets to provide mental health education and awareness to Westchester County residents, for the term 1/25/21 – 4/18/21, in an amount not to exceed \$60,000, in order to change the name of the contractor to Inspiria Outdoor L.L.C. d/b/a Inspiria Outdoor Advertising and to change the termination date to 4/30/21.

M. Orth

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

14. (81938) **Public Safety** - Enter into an agreement with the United States of America, acting by and through its Drug Enforcement Administration, for which the County will participate in the Tactical Diversion Squad Task Force for the term commencing 10/1/20- 9/30/21, and the County will receive reimbursement from the DEA for a portion of its overtime expenses in an amount not to exceed the equivalent of 25% of a GS-12, Step 1, of the general pay scale for the Rest of the United States, which is currently 19,180.25, and other qualified expenses.

T. Gleason

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

15. (81973) **Probation** - Pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, to exempt from procurement an agreement with Angelo Rubino for the provision of investigation services and preparation of petitions for child support, spousal support, custody and visitation orders in the Supreme and Family Courts on behalf of the Westchester County Department of Probation, for a term commencing 1/1/21 – 12/31/21, for an amount not to exceed \$15,000.

R. Pozzi

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

16. (81934) **Parks** - Amend an existing Environmental Protection Fund – HP grant agreement by and among the State of New York, acting by and through the Commissioner of Parks, Recreation and Historic Preservation, Jay Heritage Center and the County of Westchester, to accept grant funds in an amount of \$500,000, for the restoration of the Historic Jay Gardens, in order to extend the term of the grant agreement through 12/31/21.

K. O'Connor

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

17. (81910) **DPW/Transportation** – Contract No. 20-211, Emergency Canopy Enlargement, Visitor Entrance – Jail Division, Norwood E. Jackson Correctional Center, Valhalla Campus, Valhalla, New York. Awarded Emergency Contract to Anjac Enterprises Inc., Brooklyn, in the amount of \$150,000.

H. Greechan

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

18. (82139) **DPW/Transportation** – Contract No. 17-535 with MVM Construction LLC, for Hunts Place Infrastructure Improvement Project, New Castle, New York. Completed work and Final Contract Amount of \$1,269,013.

H. Greechan

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

19. (82140) **DPW/Transportation** – Contract No. 21-202 for Countywide Installation of Data, Telephone and Branch Circuitry, Various Locations, Westchester County, New York. Advertise for bids.

H. Greechan

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

20. (82141) **DPW/Transportation** – Contract No. 16-513 with Peter J. Landi Inc., for Rye Playland Parkway Path, Playland Parkway, North Street, Theodore Fremd Avenue, Purchase Street, Purdy Avenue and McCullough Place, City of Rye, New York. Approved A&T Iron Works Inc., New Rochelle and Casabella Contracting of NY, Inc., Buchanan, NY, as subcontractors.

H. Greechan

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

21. (82156) **DPW/Transportation/Energy Conservation** – Enter into Agreement No. 21-900 with the Power Authority of the State of New York, also known as the New York Power Authority, (“NYPA”) for the Electric Bus Charging Infrastructure at the Alphonse J. Cerrato Bus Maintenance Facility on the Valhalla Campus in Valhalla, New York, for the purchase and installation of six bus charging units along with the design and construction of associated infrastructure improvements, for an amount not to exceed \$1,750,000; and that NYPA shall not commence any phase of the work for the project without the prior written approval of the Commissioner of Public Works and Transportation.

Greechan/McCartt

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

22. (82194) **DPW/Transportation/Real Estate** – Lease Agreement No. 19-920 with MJ Garden III, LLC, for Thirty (30) Year Lease Agreement, Family Court Facility, Garden Street, New Rochelle. Approved Change Order No. 4, in the amount of \$45,000, under the listed terms and conditions.

Greechan/Friedman

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

23. (82195) **DPW/Transportation** – Contract No. 20-533 for Emergency Sidewalk Protection Extension, Mount Vernon District Office, Mount Vernon, New York. Awarded Emergency Contract to New York Ladder & Scaffolding Corp., Yonkers, in the amount of \$136,650. Approved Lippolis Electric, Inc., Pelham, as a subcontractor.

H. Greechan

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

24. (82290) **DPW/Transportation** – Contract No. 18-531 for Playground Site Work Rehabilitation, Kensico Dam Plaza, Mt. Pleasant and North Castle, New York. Awarded to Low Bidder, R. Pugni & Sons, Inc., Katonah, in the amount of \$1,299,831.31. Approved Naber Electric Corp., Yonkers. (13 bids)

H. Greechan

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.

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

Signed: *Lisa Mrijaj*, Secretary

Dated: 1/28/2021



Memorandum
Department of Public Works and Transportation

TO: Honorable Members of the Board of Acquisition and Contract
FROM: Hugh J. Greechan, Jr., P.E.
Commissioner of Public Works and Transportation
DATE: January 26, 2021
SUBJECT: Declaration of Emergency Situation
Grasslands Radio Tower Cooling System
Department of Information Technology Radio Group
Valhalla Campus
Valhalla, New York

This radio tower is a critical component of the communication network and manages everything from radio signals, telecommunications and critical government emergency communications. The equipment room at the radio tower generates a substantial amount of heat which has a high probability of damaging equipment and causing failure if not properly cooled. The existing cooling system is approximately 23 years old and has recently failed. The equipment is adequately cooled now with a small temporary unit which will suffice until Spring.

After evaluating several solutions to resolve the situation, we have determined in our professional opinion that the entire air conditioning unit could not be repaired and should be replaced with two smaller units working in tandem while offering a level of back up in case of a future failure. This would require changing the condensers, air handlers, piping, electrical wiring, duct work and remote management system. This approach follows the same redundancy currently in place at radio towers throughout the County.

Since cooling is a critical component to the operation of the facility, the replacement of the failed cooling system is vital and an immediate need. It must be installed prior to a warm day which is typical to occur within the next 8-10 weeks. There are no design documents, specifications or bid package currently prepared to properly bid the repair and there is not sufficient time to prepare the bid documents, allow for the bidding process and install the replacement system before the next warm weather event. If this situation is not corrected immediately the radio tower will become inoperable. A replacement air conditioning system needs to be installed to ensure continued, uninterrupted service of emergency communications.

Having exhausted other avenues of remediation, the Department of Public Works and Transportation has declared an emergency situation. As an emergency, this cannot await competitive bidding. The Department, following its standard emergency contract protocols, selected Johnson Controls, Inc. with assistance from other trade contractors to provide a replacement system as specified by DPW&T at an estimated cost of \$300,000. An existing funding source has already been identified by the Information Technology Radio Group. The Department will submit a resolution to your Honorable Board at a later date requesting approval of Contract No. 21-203 to address the issues as described above.

TO: Board of Acquisition and Contract

FROM: *WRS* Hugh J. Greechan, Jr., P.E. *HJG*
Commissioner of Public Works and Transportation

DATE: January 28, 2021

SUBJECT: Declaration of Emergency Situation
Storm Drain Replacement
SPDES Outfall No. 7
Westchester County Airport
Towns of Harrison and North Castle and Village of Rye Brook, New York

Concerns have been raised related to per- and polyfluoroalkyl substances (PFAS) identified in groundwater at the Westchester County Airport and surrounding areas. PFAS are reported to be very persistent in the environment, can travel via groundwater and can accumulate in the human body. Among other uses, PFAS were components of firefighting foam used at airports worldwide. Although no promulgated regulatory remediation standards have been developed for PFAS for various environmental media (i.e. soil, groundwater or sediment), the New York State Department of Environmental Conservation (NYSDEC) views PFAS as a deleterious chemical. As a result, in 2019 NYSDEC and the County of Westchester (County) entered into Order on Consent No. CO 3-20180308-44 (Order on Consent) to address the situation.

The Order on Consent required, among other things, that the County submit a remedial work plan for NYSDEC's review. The proposed work plan calls for the County to address, by the end of the first quarter of 2021, an area of high PFAS concentration by the installation of a sealed site drainage system for the conveyance of surface storm water to Outfall No. 7, removal of contaminated soil, placement of new fill and restoration of pavement (Project).

In response to this potential health risk, the Department of Public Works and Transportation (Department) declared an emergency situation to procure the Project in an accelerated fashion. The Department, following its standard emergency contract protocols, selected the firm of R. Pugni and Sons, Inc., 25 Bedell Road, Katonah, New York 10536 to perform Contract 21-503 Storm Drain Replacement, SPDES Outfall No. 7, Westchester County Airport, Towns of Harrison and North Castle and Village of Rye Brook, New York.

As the full extent of the work will not be able to be ascertained until all repairs are completed, the Department of Public Works and Transportation will at a later date submit a resolution to your Honorable Board requesting approval of Contract 21-503.