

**MINUTES OF THE MEETING OF THE
COUNTY OF WESTCHESTER
BOARD OF ACQUISITION AND CONTRACT
HELD ON THURSDAY, JULY 12, 2012 AT 11:00 A.M.**

County Executive	Rob Astorino
Chairman, Board of Legislators	Ken Jenkins
Comm. - Public Works & Transportation	Jay Pisco
Deputy County Attorney	Jim Robertson
Commissioner, Dept. of Finance	AnnMarie Berg
County Executive's Office	Christine Sculti
County Executive's Office	Allie Cohill
County Executive's Office	Hannah Miller
County Executive's Office	Juliana Moccio
Budget	Patricia Haggerty
Board of Legislators	Anne Reasoner
Board of Legislators	Allie Monaco
Foodmart, Inc.	Joseph Rende
Westchester Rise	Sonja Brown
Secretary BAC	JoMary Vieira
Assistant Secretary BAC	Joan Cocciardi

Mr. Astorino presided.

Mr. Astorino said, "Before we begin the meeting, has the Secretary checked the reception area to make sure that all members of the public who wish to attend this meeting have been invited into this conference room?"

Ms. Viera confirmed that she had done so.

Mr. Jenkins said, "We certainly will put our normal objection regarding 6-2012. We did have a conference in the judge's chamber this week and there are some specific steps that need to be taken by next month. We will see what happens with those to have our law continue to be in effect and our concern certainly with Mr. Pisco continues. The only other thing we want to put on the record at this point and time Mr. Chairman, we had questions on specific items. We just were concerned about making sure for two of those, that the FAA Federal Aviation Authority was going to be in support of our RFP process, but we understand our RFP process went forward and everyone has been satisfied that there would be no issues. We wanted to make sure that we noted our concerns on record."

Mr. Astorino asked, "Well are there any concerns?"

Mr. Robertson answered, "The only reason you go to the FAA is if you are going to go over five years. There is a procedure, which is laid out in guidance, which was issued November 4, 2010. If you are going to ask the FAA to extend over five years, which we did for the prior company because we had plans to extend that lease, you have to go through this whole procedure to ask the FAA to extend it. If you just go out and do a new RFP to get a new vendor then you are not in violation of 49CFR23.75 which prohibits long-term exclusive leases. We followed the procedure. We did the RFP with regard to the DBE requirements. We checked to make sure that they are going to meet the airports FAA approved goals. The law department is satisfied with all the paperwork."

Mr. Jenkins said, "And that was the question we were requesting since the FAA rejected our extension of the prior incumbent. The Board is prepared to vote."

Mr. Jenkins continued, "The only other thing that we want to do is ask the Board to consider, and not for action today obviously in our portion of the meeting, to declare an emergency at the Ashford Avenue Bridge which would give the Board of Acquisition and Contract certain authority for the department to be able to move forward on specific activities, understanding that also what would happen at that particular time would be the ability to come back to whatever approving agencies need to be done for funding. So if we declare an emergency in this particular case, we would just like you all to consider it to be able to say now we can move forward on whatever safety issues that we may be concerned with. I believe that there is joint concern on those issues. It allows us to, from a bidding perspective, according to Mr. Robertson, Section 103 Subsection 4 of the General Municipal Law, and certainly in our Board of Acquisition and Contract by County Charter, we are able to do that. There has been experience in the past where we had emergencies and those things have moved forward. The one that comes to mind that I am very familiar with, just because it happened in my district was the sewer line break. That sewer line break cost at least one and a half million dollars for the emergency repairs that had to be done. We bonded subsequently because we declared that an emergency. So it is just for consideration, Mr. Chairman."

Mr. Astorino responded, "Just so you know, I know you are aware of it, there was a meeting yesterday with all the principals, federal, state, local in this room to discuss Ashford Avenue Bridge. First and foremost people should know the bridge itself is sound, structurally sound and it is safe. If it were not safe we would have to close it down tomorrow. That is the most important thing. We are working towards seeing how we can accelerate the process of this three year construction phase and all that. We are working with Legislator Shimsky and Legislator Borgia and obviously yourself."

Mr. Jenkins said, "Thank you again, Mr. Chairman. We appreciate everyone working together on this, but we also want to make sure the County has at its disposal the full range. We have a long range plan which is a much costlier item that we know that was planned for 2014, but there may be steps to do now and as you said the bridge is safe or it wouldn't be open. Mr. Pisco and the team would have closed the bridge if that was the case."

Mr. Robertson responded, "If I may, the standards for Section 103 Subsection 4 require there to be an immediate danger to the public life, health or safety, so unless there is a finding that there is an immediate danger, we can't avoid public bidding."

Mr. Jenkins said, "Understood. And again, we think that all that together, we don't want to go through the meeting that you had yesterday. It had much more detail at yesterday's meeting but certainly safety is always our primary concern for everyone. If we can do some preventative measures sometimes we do that and I think that would go in that emergency criteria that Mr. Robertson just suggested, as we had the past incident where we had things fall off the bridge. That was not planned."

Acquisition & Contract. Minutes of the meeting of 7/5/12 and the SEQR Review for agenda items.

J. Vieira

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

1. (27798) **DPW/Transportation** – Enter into a lease agreement with Airport Mart, Inc., for the operation of the food and beverage concessions at the Westchester County Airport, approximately 5,000 square feet in the main terminal building at the Airport, from 7/1/12 – 6/30/17, for an amount of \$1,875,000. (Lease Agreement No. 12-915)

Pisco/Mahon

Tabled By Administration until 7/12/12

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

2. (27594) **Board of Legislators** - Pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, to exempt from procurement an agreement with the African American Chamber of Commerce of Westchester & Rockland Counties, Inc.

K. Jenkins

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

3. (27593) **Board of Legislators** - Enter into an agreement with the African American Chamber of Commerce of Westchester & Rockland Counties, Inc., to provide certification assistance services to Small, Minority and Women Owned Businesses, from 1/1/12 – 12/31/12, in an amount not to exceed \$45,000.

K. Jenkins

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

4. (25117) **County Executive** - Pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, to exempt from procurement an agreement with United Way of Westchester and Putnam for the operation of the Hudson Valley Region 211 Call Center.

K. Plunkett

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

5. (24541) **County Executive** - Enter into an agreement with the United Way of Westchester and Putnam to operate the Hudson Valley Region 211 Call Center, for the provision of free information and referral services to County residents, for a fee of \$100,000, from 5/1/12 – 4/30/13.

K. Plunkett

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

6. (27599) **County Executive** - Enter into a collective bargaining agreement with the employees of Westchester County represented by the Local 456, International Brotherhood of Teamsters, for a seven year period, from 1/1/09 – 12/31/15, under the listed terms and conditions.

R. Astorino

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

7. (27343) **CE/Office for Women** - Enter into an agreement with Legal Services of the Hudson Valley, to provide legal services to the indigent at the County's Mount Vernon District Office, from 3/1/12 – 2/28/13, for a not to exceed amount of \$517,500, under the listed terms and conditions.

D. Balistreri

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

8. (25940) **County Attorney – OVER BY BOARD OF LEGISLATORS.** Request authority, pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, to exempt from procurement an agreement with Vincent Toomey for the provision of consulting services.

R. Meehan

9. (25935) **County Attorney – OVER BY BOARD OF LEGISLATORS.** Request authority to enter into an agreement with Vincent Toomey for the provision of consulting services in connection with labor negotiations and related on-going contractual matters, from 3/1/12 – 2/28/13, for a sum of \$150,000.

R. Meehan

10. (27553) **County Attorney – OVER BY BOARD OF LEGISLATORS.** Request authority to enter into an agreement with Pro Safety Services, LLC, to provide safety training and compliance services on an “as needed” basis for the County, from 7/1/12 – 6/30/15, for an amount not to exceed \$54,400, under the listed terms and conditions.

R. Meehan

11. (27613) **Social Services – OVER BY BOARD OF LEGISLATORS.** Request authority to amend the agreement with Volunteers of America – Greater New York, Inc., to operate a Special Category Client Monitoring Program to monitor and track the movements of all Level III and Level II sexual offenders who have victimized a child less than 16 years of age and residing at the Westchester County Department of Social Services’ Grasslands shelter facility, from 10/1/11 – 9/30/12, for an amount not to exceed \$886,820, by increasing the not to exceed amount by \$234,804, for a new total not to exceed amount of \$1,121,624.

K. McGuire

12. (27615) **Social Services –** Exercise the second of two options to extend ten (10) agreements with the seven (7) agencies listed, for the purpose of operating the In-School and Out-of-School youth employment programs for economically disadvantaged youth ages 16-21 under Title I of the Workforce Investment Act of 1998, for a total aggregate amount not to exceed \$885,935, from 7/1/12 – 6/30/13, under the listed terms and conditions.

K. McGuire

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

13. (27611) **Senior Programs –** Enter into five (5) separate agreements with Five (5) separate entities identified as **1)** The City of New Rochelle, **2)** The City of Yonkers, **3)** Elderserve Licensed Home Care Services Agency, Inc., **4)** Family Services of Westchester, Inc., and **5)** Westchester Jewish Community Services, Inc., to provide Livable Community Regional Host services under Title III-B of the Older Americans Act, from 1/1/12 – 12/31/12, for a total aggregate not to exceed amount of \$160,000; and enter into separate successive one (1) year agreements with the City of New Rochelle and the City of Yonkers, from 1/1/12 – 12/31/13; to extend the term of its agreements with **1)** Elderserve Licensed Home Care Services Agency, Inc., **2)** Family Services of Westchester, Inc and **3)** Westchester Jewish Community Services, Inc., for a maximum of two (2) additional one (1) year terms, from 1/1/13 – 12/31/13, and from 1/1/14 – 12/31/14, under the listed terms and conditions.

M. Carpenter

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

14. (27651) **Mental Health –** Amend a 12/22/10 Resolution, to enter into IMA’s with the County of Putnam and each of various listed municipal corporations within Westchester County and Putnam County, to provide services to the Municipal Corporations in accordance with Article 25 and Article 41 of the New York Mental Hygiene Law, by **1)** adding the Valhalla First District to the list of Municipal Corporations, and **2)** replacing the second ‘RESOLVED’ clause of the 12/22 Resolution, with the following: “RESOLVED, that the IMA with each of the parties listed in Schedule “A” shall be for a term of three years, with two one-year options, from 1/1/10 – 12/31/14, except for the IMA with the Valhalla Fire District, which shall be, from 7/1/12 – 12/31/14”, under the listed terms and conditions.

G. Mitchell

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

15. (27620) **Health** – Enter into contract with Health Research, inc. to accept funding for the Public Health Preparedness Emergency and Response to Bioterrorism Grant Program, from 7/1/12 – 6/30/13, for a not to exceed amount of \$542,733.

S. Amler

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

16. (27479) **Correction – OVER BY BOARD OF LEGISLATORS.** Request authority, pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, to exempt from procurement an agreement with IT Help Central, Inc. for maintenance of the Department of Correction's computerized inmate law library system.

K. Cheverko

17. (27311) **Public Safety – OVER BY BOARD OF LEGISLATORS.** Request authority to enter into a grant agreement with the New York State Department of Homeland Security and Emergency Services to purchase upgraded communications, tactical and marine equipment, conduct multi-agency training exercises, and conduct Foreign Flag Vessel Interdiction, from 9/1/11 – 8/31/14, for an amount not to exceed \$1,035,000.

G. Longworth

18. (27602) **Public Safety – OVER BY BOARD OF LEGISLATORS.** Contract No. DPS 12-300, for Maintenance Service, Firing Range, 2 Dana Road, Valhalla Campus, Valhalla, New York. Request authority to advertise for bids.

G. Longworth

19. (27665) **Public Safety** – Enter into IMA with the Village of Rye Brook, through its police department, to assist the County in enforcing the Westchester County For-Hire Vehicle Law, Chapter 270 of the Westchester County Administrative code, for a one (1) year term commencing upon execution, for an amount of \$18,720, under the listed terms and conditions.

G. Longworth

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

20. (27666) **Public Safety** – Enter into an IMA with the Village of Sleepy Hollow, through its police department, to assist the County in enforcing the Westchester County For-Hire Vehicle Law, Chapter 270 of the Westchester County Administrative Code, for a one (1) year term, commencing upon execution, for an amount of \$18,720, under the listed terms and conditions.

G. Longworth

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

21. (27667) **Public Safety** – Enter into an IMA with the Village of Tarrytown, through its police department, to assist the County in enforcing the Westchester County For-Hire Vehicle Law, Chapter 270 of the Westchester County Administrative Code, for a one (1) year term, commencing upon execution, for an amount of \$18,720, under the listed terms and conditions.

G. Longworth

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

22. (27668) **Public Safety** – Enter into an IMA with the Village of Tuckahoe, through its police department, to assist the County in enforcing the Westchester County For-Hire Vehicle Law, Chapter 270 of the Westchester County Administrative Code, for a one (1) year term, commencing upon execution, for an amount of \$18,720, under the listed terms and conditions.

G. Longworth

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

23. (27654) **DPW/Transportation** – Contract No. WCA 12002, for Elevator and Escalator Service and Maintenance, Westchester County Airport. Awarded to Low Bidder, Schindler Elevator Corporation, Morristown, NJ, in the amount of \$161,474. (2 bids)

J. Pisco

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

24. (27655) **DPW/Transportation** – Enter into an agreement with the United States of America, acting by and through the Federal Aviation Administration, to accept a grant of approximately \$1,260,000 for Capital Project Number A0071 – Airport Planning Studies at the Westchester County Airport, to fund updates to the Airport Master Plan and to the Airport Layout Plan in Geographic Information Systems format and wetland delineation survey, under the listed terms and conditions.

J. Pisco

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

25. (27657) **DPW/Transportation** – Contract No. WCA 12003, for Glycol Removal and Transport, Westchester County Airport. Advertise for bids.

J. Pisco

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

26. (27155) **DPW/Transportation – OVER BY BOARD OF LEGISLATORS.** Contract No. 06-541, with Arben Group LLC, for Performance Maintenance III, Blind Brook Wastewater Treatment Plant, Rye, New York. Approval of Change Order No. 1 in the amount of \$700,000.

J. Pisco

27. (27656) **DPW/Transportation** – Enter into Agreement #12-906, with Woodard & Curran Engineering PA PC, for engineering services associated with the Replacement of Perimeter Fencing and Security Gates, Westchester County Airport, Towns of Harrison and North Castle and Village of Rye Brook, New York, for a total compensation of \$55,314.64, and approval of Ward Carpenter Engineers, Inc., White Plains, and Didona Associates Landscape Architects, LLC, Danbury, CT, as subconsultants.

J. Pisco

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


This meeting was recorded and an electronic copy of the minutes is on file with the Board of Acquisition and Contract.

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.



JoMary Vieira, Secretary

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

Dated 7/13/12


JoMary Vieira, Secretary
