

**MINUTES OF THE MEETING OF THE
COUNTY OF WESTCHESTER
BOARD OF ACQUISITION AND CONTRACT
HELD ON THURSDAY, FEBRUARY 21, 2019@ 2:00 P.M.**

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

Ken Jenkins
Alfreda Williams
Larry Soule
Lynn Colavita
AnnMarie Berg
Carl Pagano
Steven Bass
Dennis Power
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 24 Onbase ID 67911 which is a resolution authorizing the County of Westchester to enter into Contract No. 18-534 for Emergency Roof Rehabilitation, Volunteers of America Shelter, Valhalla Campus, Valhalla New York with Nua Construction Corp., 750 Saw Mill River Road, Ardsley, New York 10502 in the amount of \$232,000 with the following approved subcontractors: Connolly & Son Construction, Inc. d/b/a 24/7 Lifting, Macchi Heating LLC and Somerset Electric Inc."

Ms. Williams seconded the motion and it was unanimously approved.

Mr. Jenkins said, "I would like to give the Vice Chair of the Board of Legislators an opportunity to speak on the Wheelabrator contract."

Ms. Alfred said "I would like to hold item #1, 67761, I would like to hold it over for more time to review the answers to the questions that we posed previously."

Mr. Jenkins said, "The Wheelabrator contract was added as an Added Starter for last week's meeting on February 14th. The Board of Legislators, pursuant to its authority, was able to hold over the contract. The contract expires on October 2019, however, the terms of the contract state we have to provide one year in advance to do this so the contract was delayed. There wasn't an expectation that we were going to be able to have an understanding with the Board of Legislators to ask whatever questions that there were subsequent to the hold of the Wheelabrator contract at last week's meeting. We didn't receive questions until basically last night, this morning, so last night Mr. Casciato, on behalf of the Board of Legislators, requested that we withdraw the motion for the Wheelabrator contract because the Board of Legislators already held it over one time. Subsequently, yesterday evening we did get the questions from Chairman Boykin and we

were able to submit those to Commissioner Kopicki, who is on vacation, and asked him to respond to those questions last night and he got those this morning and we got those back to the Board. Under County Executive Latimer's administration it's been different in the past where the Legislature has the ability to contact the department directly and have meetings with them. I understand Legislator Shimsky was on vacation last week who is one of the Chairs of the Committee and she had some specific questions that we weren't able to do. The Department of Environmental Facilities will be happy to come down Madame Vice Chair to discuss any of these items on the questions that the Board of Legislators had. In general the questions were able to be answered. They weren't show stopper questions. But again, we have a deadline by the end of this month that we got an extension to deal with the Wheelabrator Contract and again it's a \$17 million savings over a 10 year period and it has some things in it that I think the Board of Legislators I think will be extremely pleased about some different opportunities and being able to cut out about 50,000 tons of food waste, whether it's the food waste recycling that the Board of Legislators has talked about and certainly Peter McCart from our office up here has been working hard together, so understood. Madame Chair, is there anything else you would like to add?"

Ms. Williams said, "I would like to sever the item."

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

Mr. Soule said, "The Members of the Board of Acquisition and Contract received a memo from the Commissioner of Public Works and Transportation declaring the need for an emergency contract to address personnel shortages at the County's Central Heating Plant on the Valhalla Campus. The memo states as follows:

The County Department of Public Works and Transportation operates a Central Heating Plant (the "CHP") which services our 800,000 square foot Correctional facility and Woodfield Cottage Juvenile Detention buildings; a County Public Labs & Research building; and the 3,000,000 square foot hospital (Westchester Medical Center); as well as various other facilities operated by the Departments of Public Safety, Public Works, and Emergency Services on the Valhalla Campus. These all operate on a 24/7 basis, requiring steam energy from the CHP, which has four Babcox and Wilcox boilers (1986 vintage) having a rated output of 2,200 HP each. Most winter days we are running two boilers to keep up with demand, and at times, as many as three are needed. Even in the "off" season (summer), we must run at least one boiler to provide steam for the various domestic hot water heaters, autoclave sterilizers, laundry rooms, and kitchens at the various locations; including even air conditioning units at the hospital. We supply steam at a pressure of 125 pounds per square inch ("psi") and a temperature of 325 degrees Fahrenheit. This energy is distributed through a system of underground tunnels and pipes. The boilers are dual fuel, with natural gas as the primary and #2 fuel oil can be used as the backup during the times that Con Edison curtails our use of natural gas. In cold weather, on #2 fuel oil, we can consume as much as 23,000 gallons in a 24 hour period. Our fuel consumption costs for the CHP exceed \$3,000,000.00 per year.

Most smaller scale commercial boilers produce either hot water or low pressure steam (less than 15 psi). To put our plant in perspective, the steam supplied by Con Edison to various locations in Manhattan is delivered at virtually the same temperature and pressure as our plant. Accordingly, given the massive size of the CHP and the vital nature of the facilities which depend upon this plant, it must be constantly in operation and monitored. It has become increasingly difficult to utilize the current system of staffing the CHP with in-house (DPW&T) heating plant operators around the clock. Multiple long term efforts over the past year by the Departments of Human Resources and Public Works & Transportation, such as raising the job pay grades along with repeated widespread advertising have been undertaken to no avail. No suitable candidates were found, even looking outside the Tri-State area, and our heating plant operator vacancies have increased due to resignations and retirements. We cannot sustain the CHP operation with the present compliment of people, and a recent employee's long term injury further exacerbates the situation.

Similarly, chasing down leads to find multiple private companies that are interested in operating, but not owning, a high pressure steam plant have also been spectacularly unsuccessful. Only one firm, Ameresco, Inc. of Framingham, Massachusetts, has the interest and the resources to assist with the operation of our facility. Accordingly, we are currently diligently negotiating with them to supply the County with qualified individuals in this highly specialized field on an immediate basis to operate the CHP. Because of the scarcity of these operators, the plan is to ramp up the number of CHP operators using contract personnel so as to initially supplement our in-house skeleton staff (currently on double-shift overtime), with Ameresco staff gradually assuming more day-to-day responsibility. The alternatives of curtailing operation of the CHP, or letting it run overnight without an on-site operator are irresponsible and unacceptable.

The Department of Public Works and Transportation hereby declares this to be an emergency situation, which must be alleviated by the issuance of a contract for a period not to exceed six months and total amount of not to exceed \$600,000.00. As an emergency, this situation cannot await competitive bidding. The Department, following its standard emergency contract protocols, has selected the firm of Ameresco, Inc., to perform high pressure steam boiler plant operation.

The Department of Public Works and Transportation is working with great haste to finalize the terms of the contract with Ameresco and will submit a resolution to your Honorable Board requesting approval of the pertinent Contract as soon as possible.

Mr. Jenkins said, "I direct the Secretary to the Board of Acquisition and Contract to include the memo from the Commissioner of Public Works and Transportation as part of the minutes to today's meeting. In addition, it should be noted that we did receive communication from the CSEA regarding this specific item where President Pecora was supporting the need to get additional personnel on the emergency resolution since the staff are working on double shifts overtime which could be an unsafe condition for the employees. Thank you so much. We are in the midst of a current project at the steam facility. I think its \$14 million with NYPA for that particular plant. I'm sure the Board of Legislators got an update on that I don't know exactly where it is from a process perspective but we need to continue that work."

Acqisition & Contract. Minutes of the meeting 2/14/19 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. (67761) DEF – 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

Held Over By Board of Legislators 2/14/19

Mr. Jenkins moved the resolution that was approved by Mr. Soule and Mr. Jenkins. Ms. Williams voted in the negative.

2. (67380) **County Attorney - Authority to 1)** amend a grant agreement with the New York State Office of Indigent Legal Services for Distribution #4 (Contract #C000555) in the amount of \$2,793,498 to improve the quality of indigent legal services provided by the County from 1/1/14 – 12/31/16, to extend the termination date to 12/31/19; 2) amend an agreement with The Legal Aid Society of Westchester County and the Westchester County Bar Association in connection with a grant for Distribution #4 (Contract #C000555) from the New York State Office of Indigent Legal Services for the improvement of the quality of indigent legal services, from 1/1/14 – 12/31/16, to extend the termination date to 12/31/19.

J. Nonna

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

3. (67489) **County Attorney - Settle the lawsuit of Hani Fraih v. The County of Westchester, Westchester County Department of Transportation, Liberty Lines, Liberty Lines By County Risk Management, and J. Watson**, by payment from the County of Westchester to Hani Fraih, in an amount not to exceed \$50,000.

J. Nonna

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

4. (67432) **Planning - Amend a grant agreement with the New York State Department of Environmental Conservation to implement a grasslands restoration project at Croton Point Park in the Village of Croton-on-Hudson, in order to change expiration date from 12/31/18 to 8/31/21.**

N. Drummond

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

5. (66553) **Social Services - Enter into an agreement with the Urban League of Westchester County, Inc., to provide Educational Advocacy Services for Homeless Families, for an initial three (3) year term commencing on 1/1/19 and continuing through 12/31/21, for an amount not to exceed \$269,371 per year, for a total aggregate amount not to exceed \$808,113, under the listed terms and conditions.**

K. McGuire

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

6. (67418) **Social Services - Amend agreements with various vendor agencies for the administration of Consumer-Directed Personal Assistance Program Services ("CDPAP") under Title XIX of the Social Security Act and in accordance with Sections 365-f and 367-p(c) of the Social Services Law, from 1/1/11 and continuing indefinitely unless terminated by either party upon thirty (30) days prior written notice for an amount not to exceed \$15 million, in order to add the following agency: Preferred Home Care of New York and Marquis Home Care to the list of agencies already approved to provide CDPAP services.**

K. McGuire

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

7. (67419) **Social Services** - Amend agreements with various vendor agencies for Title XIX Personal Care Services under the Social Security Act, from 1/1/04 and continuing indefinitely unless terminated by either party upon thirty (30) days prior written notice, in order to add the following agency: Preferred Home Care of New York.

K. McGuire

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

8. (67471) **Social Services** - Enter into an agreement with Laboratory Corporation of America Holdings to provide genetic marker test services and supportive testimony as ordered by the Family Court in disputed paternity proceedings, for a total amount not to exceed \$15,000 to be paid on a monthly basis on a per task basis at a rate of \$29.75 per person tested which also includes the cost of expert witness testimony, for the term from 1/1/19 – 12/31/19.

K. McGuire

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

9. (67520) **Social Services** - Enter into an agreement with Julia Dyckman Andrus Memorial, Inc., to provide Andrus Parenting Services for families with children at risk of foster care placement, from 1/1/19 – 12/31/19, for an amount not to exceed \$196,550.

K. McGuire

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

10. (67450) **Senior Programs** - Amend the agreement with the Westchester Public/Private Membership Fund for Aging Services, Inc., in order to exercise the fifth of its five (5) options to renew the agreement with the Contractor to provide Telehealth Intervention Programs for Seniors services to Westchester County Seniors, for the program period commencing on 1/1/19 – 12/31/19, in an amount not to exceed \$220,000 in County funds.

M. Carpenter

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

11. (67451) **Senior Programs** - Amend the agreement with Family Service Society of Yonkers d/b/a JCY-Westchester Community Partners, in order to exercise the fifth of its five (5) options to renew the agreement with the Contractor to provide Volunteer Recruitment and Recognition services, for the program period commencing on 1/1/19 – 12/31/19, in an amount not to exceed \$25,000 in County funds.

M. Carpenter

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

12. (67486) **Senior Programs** - Enter into an agreement with YWCA of Yonkers, Inc., to provide the Senior Health & Wellness Program for seniors ages 60 years and over who reside in the County of Westchester, as well as women who utilize the YWCA of Yonkers's drop-in shelter, and are ages 55 and older and funding for the program shall be in an amount not to exceed \$25,000, from 1/1/19 – 12/31/19.

M. Carpenter

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

13. (67488) **Senior Programs** - Enter into agreements with the two (2) entities listed in Schedule "A" to provide Livable Communities Regional Host services, for the program period of 1/1/19 – 12/31/19, for a total aggregate amount not to exceed \$71,000 in County tax dollar, under the listed terms and conditions.

M. Carpenter

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

14. (67466) **Health** - Pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, to exempt from procurement an agreement with Susan H. Brailey, Joseph C. LoCascio, Robert Ponzini, Marc A. Seedorf, Judith A. Woods and Paula Johnson Kelly.

S. Amler

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

15. (67467) **Health** - Enter into contracts each with Susan H. Brailey, Joseph C. LoCascio, Robert Ponzini, Marc A. Seedorf, Judith A. Woods and Paula Johnson Kelly, to provide services as Hearing Officers, from 3/1/19 – 2/29/20, for an amount not to exceed \$65,000, under the listed terms and conditions.

S. Amler

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

16. (67435) **Public Safety** – Renew an agreement with Government Payment Service, Inc., for use of its remote credit/debit card pay system to enable those individuals who wish to pay, via debit or credit card, fines or fees issued by the Westchester County Taxi & Limousine Commission, the Stop-DWI program or payments for law enforcement personnel attending classes at the Police Academy, the ability to do so, by extending the term for an additional five (5) year period, commencing on 4/1/19 – 3/31/24, at no cost to the County.

T. Gleason

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

17. (67446) **Public Safety** - Enter into an agreement with the New York State Division of Criminal Justice Services to accept Federal funds in an amount not to exceed \$56,959, for the Department of Public Safety to participate in the Coverdell National Forensic Sciences Improvement Act, from 1/1/19 – 12/31/19.

T. Gleason

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

18. (67166) **Parks** - Enter into an agreement with Genesis Adventures, Inc., Brooklyn, to which the County will grant Genesis a revocable Permit for use of designated areas of the Bronx River Parkway to hold a running event called the "Healing Half & 10K" on Sunday, October 6, 2019 between the hours of 7:00 a.m. to 2:00 p.m., rain or shine, in addition to granting a Permit for use of designated portions of the Bronx River Parkway, the County will provide Genesis with Department staff, County Police, EMS Services and other incidental services for the event, with use of the designated area commencing on October 4, 2019 at 7:30 a.m. and expire on October 6, 2019 at 8:00 p.m., to enable Genesis to prepare for and clean up after the Event, with Genesis to pay the County a fee of \$24,590.

K. O 'Connor

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

19. (67509) **DPW/Transportation** - Extend the grant agreement with the New York State Department of Transportation for Mass Transportation Capital funds, to be used for the procurement of replacement articulated 60-foot hybrid electric buses, by revising the end date of the agreement to 12/31/19.

H. Greechan

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

20. (67508) **DPW/Transportation** - Amend Agreement No. WCA 16004 with Bruel & Kjaer EMS, Inc., to provide support to the Airport Noise and Operations Monitoring System, from 4/15/16 – 4/14/21, in order to add the Viewpoint noise complaint management system, effective 2/1/19, at an annual cost of \$24,720.

Greechan/Beirne

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

21. (67511) **DPW/Transportation** – Contract No. WCA 19002 for Tree Trimming and Brush Removal, Westchester County Airport, Towns of Harrison and North Castle and Village of Rye Brook, New York. Advertise for bids.

H. Greechan

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

22. (67507) **DPW/Transportation** – Contract No. 11-515-Rev., for Bronx River Reservation Pathway, from Crane Road Bridge to Greenacres Avenue, Scarsdale, New York. Awarded to Low Bidder, Avanti Building Construction Corp., Mount Vernon, in the amount of \$5,774,000. (8 bids)

H. Greechan

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

23. (67510) **DPW/Transportation** – Contract No. 18-214 for Restoration of Grasslands, At Croton Point Park, Croton-on-Hudson, New York. Advertise for bids.

H. Greechan

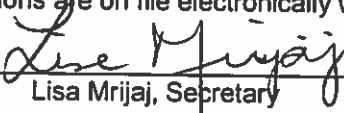
Mr. Jenkins moved the resolution, which was duly seconded and unanimously approved.

24. (67911) **DPW/Transportation – Contract No. 18-534 for Emergency Roof Rehabilitation, Volunteers of America Shelter, Valhalla Campus, Valhalla, New York. Awarded Emergency Contract to NUA Construction Corp. (WBE), Ardsley, in the amount of \$232,000. Approved of Connolly & Son Construction, Inc. d/b/a 24/7 Lifting, Yonkers, Macchi Heating LLC, Yonkers and Somerset Electric Inc., Mahopac, as subcontractors.**

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

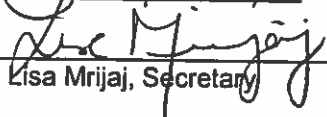
H. Greechan

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 2/22/19


Lisa Mrijaj, Secretary

TO: Honorable Members of the Board of Acquisition and Contract
FROM: Hugh J. Greechan, Jr., P.E. *HJG*
Commissioner of Public Works and Transportation
DATE: February 14, 2019
SUBJECT: Declaration of Emergency Situation
Central Heating Plant
Valhalla Campus
Valhalla, New York

The County Department of Public Works and Transportation operates a Central Heating Plant (the "CHP") which services our 800,000 square foot Correctional facility and Woodfield Cottage Juvenile Detention buildings; a County Public Labs & Research building; and the 3,000,000 square foot hospital (Westchester Medical Center); as well as various other facilities operated by the Departments of Public Safety, Public Works, and Emergency Services on the Valhalla Campus. These all operate on a 24/7 basis, requiring steam energy from the CHP, which has four Babcox and Wilcox boilers (1986 vintage) having a rated output of 2,200 HP each. Most winter days we are running two boilers to keep up with demand, and at times, as many as three are needed. Even in the "off" season (summer), we must run at least one boiler to provide steam for the various domestic hot water heaters, autoclave sterilizers, laundry rooms, and kitchens at the various locations; including even air conditioning units at the hospital. We supply steam at a pressure of 125 pounds per square inch ("psi") and a temperature of 325 degrees Fahrenheit. This energy is distributed through a system of underground tunnels and pipes. The boilers are dual fuel, with natural gas as the primary and #2 fuel oil can be used as the backup during the times that Con Edison curtails our use of natural gas. In cold weather, on #2 fuel oil, we can consume as much as 23,000 gallons in a 24 hour period. Our fuel consumption costs for the CHP exceed \$3,000,000.00 per year.

Most smaller scale commercial boilers produce either hot water or low pressure steam (less than 15 psi). To put our plant in perspective, the steam supplied by Con Edison to various locations in Manhattan is delivered at virtually the same temperature and pressure as our plant. Accordingly, given the massive size of the CHP and the vital nature of the facilities which depend upon this plant, it must be constantly in operation and monitored. It has become increasingly difficult to utilize the current system of staffing the CHP with in-house (DPW&T) heating plant operators around-the-clock. Multiple long term efforts over the past year, by the Departments of Human Resources and Public Works & Transportation, such as raising the job pay grades along with repeated widespread advertising have been undertaken to no avail. No suitable candidates were found, even looking outside the Tri-State area, and our heating plant operator vacancies have increased due to resignations and retirements. We cannot sustain the CHP operation with the present compliment of people, and a recent employee's long term injury further exacerbates the situation.

Similarly, chasing down leads to find multiple private companies that are interested in operating, but not owning, a high pressure steam plant have also been spectacularly unsuccessful. Only one firm, Ameresco, Inc. of Framingham, MA has the interest and the resources to assist with the operation of our facility. Accordingly, we are currently diligently negotiating with them to supply the County with qualified individuals in this highly specialized field on an immediate basis to operate the CHP. Because of the scarcity of these operators, the plan is to ramp up the number of CHP operators using contract personnel so as to initially supplement our in-house skeleton staff (currently on double shift overtime), with Ameresco staff gradually assuming more day-to-day responsibility. The alternatives of curtailing operation of the CHP, or letting it run overnight without an on-site operator are irresponsible and unacceptable.

The Department of Public Works and Transportation hereby declares this to be an emergency situation, which must be alleviated by the issuance of a contract for a period not to exceed six months and total amount of not to exceed \$600,000.00. As an emergency, this situation cannot await competitive bidding. The Department, following its standard emergency contract protocols, has selected the firm of Ameresco, Inc. to perform high pressure steam boiler plant operation.

The Department of Public Works and Transportation is working with great haste to finalize the terms of the contract with Ameresco and will submit a resolution to your Honorable Board requesting approval of the pertinent Contract as soon as possible.