

**109597**

**TO:** Honorable Board of Acquisition and Contract

**FROM:** John M. Nonna  
County Attorney

**DATE:** July 22, 2024

**SUBJECT:** Amend an agreement with WSP USA Inc. to provide environmental consulting services in support of the County's litigation regarding the use of aqueous film-forming foams containing per- and polyfluoroalkyl substances at Westchester County Airport, in order to exercise the County's renewal option for a term from July 1, 2024 to June 30, 2029, with no increase in the not to exceed amount of \$100,000.00.

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On September 26, 2019, your Honorable Board approved a resolution authorizing the County of Westchester (the "County") acting by and through its Department of Law (the "Department") to enter into an agreement (the "Agreement") with WSP USA Inc., 4 Westchester Park Drive, Suite 175, White Plains, New York 10604 (the "Consultant"), to provide environmental consulting services in support of the County's litigation regarding the use of aqueous film-forming foams containing per- and polyfluoroalkyl substances at Westchester County Airport (the "Airport"), for a term from July 1, 2019 to June 30, 2024, for an amount not to exceed \$100,000.00 payable pursuant to an approved budget and subject to budget appropriations. At the County's option, the term of the Agreement may be renewed for an additional five years.

Authority of your Honorable Board is requested to amend the Agreement in order to exercise the County's renewal option for a term from July 1, 2024 to June 30, 2029, with no increase in the not to exceed amount of \$100,000.00 payable pursuant to an approved budget and subject to budget appropriations. All other terms and conditions of the Agreement will remain unchanged.

The litigation involves the use by prior Airport tenants of fire-fighting foam containing PFAS. WSP has been involved in sampling and analyzing groundwater at the Airport for several years, and is therefore uniquely qualified to assist the Law Department in this litigation. Services will include, but not be limited to: review of litigation-related documents and files; interpretation of sampling and analytical data; research of historical site data and activities; project related travel; expert opinion and testimony; consultation with County attorneys and outside counsel; field work; meeting attendance; project management; and other consulting services as directed by the County Attorney.

For several years, the Consultant has performed groundwater sampling and analysis at the Airport. The Consultant's experience and familiarity with the Airport makes it highly qualified to perform this important work.

Funding for the work to be done in the first year of the renewal term has been appropriated in the Airport's 2024 operating budget. Work in additional years will be conditioned on subsequent appropriations. All of the funding for this contract would come from the Airport Special Revenue Fund. There would be no impact on the tax levy or any liability to County general funds.

The objective of this project is to assist the County in pursuing litigation. The Department will track scheduling and accomplishments by the Consultant to ensure the successful completion of this project.

I recommend adoption of the attached proposed Resolution.

JMN/DLV/dlv

APPROVED BOARD OF ACQUISITION & CONTRACT - 08/01/2024 - RAYMOND SCILKY, SECRETARY

## RESOLUTION

Upon a communication from the County Attorney, be it hereby

**RESOLVED**, that the County of Westchester (the “County”) acting by and through its Department of Law (the “Department”) is authorized to amend an agreement (the “Agreement”) with WSP USA Inc., 4 Westchester Park Drive, Suite 175, White Plains, New York 10604 (the “Consultant”), to provide environmental consulting services in support of the County’s litigation regarding the use of aqueous film-forming foams containing per- and polyfluoroalkyl substances at Westchester County Airport (the “Airport”), in order to exercise the County’s renewal option for a term from July 1, 2024 to June 30, 2029, with no increase in the not to exceed amount of \$100,000.00 payable pursuant to an approved budget and subject to budget appropriations; and be it further

**RESOLVED**, that all other terms and conditions of the Agreement shall remain unchanged; and be it further

**RESOLVED**, that the County Executive or his duly authorized designee is authorized to execute any instruments and to take any actions reasonably necessary to implement this Resolution.

Account to be Charged/credited	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
						N/A

Budget Funding Year(s) 2024-2029 Start Date July 1, 2024 End Date June 30, 2029  
 (must match resolution)

Funding Source Tax Dollars \_\_\_\_\_  
 State Aid \_\_\_\_\_  
 \$ \_\_\_\_\_ Federal Aid \_\_\_\_\_  
 (must match resolution) Other \_\_\_\_\_

