

101042

TO: Board of Acquisition and Contract

FROM: Hugh J. Greechan, Jr., PE
Commissioner of Public Works and Transportation

DATE: May 9, 2023

SUBJECT: Authority for the County of Westchester, acting by and through its Department of Public Works and Transportation (the "Department"), to execute an agreement consenting to the assignment of Agreement No. 21-937 with LynStaar Engineering, P.C. to Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services, D.P.C.

Pursuant to a Resolution approved on November 24, 2021, the County of Westchester ("County") entered into Agreement No. 21-937 ("Agreement") with LynStaar Engineering, P.C. ("Consultant"), a WBE firm, 12 Water Street, Suite 202, White Plains, New York 10601, wherein the Consultant was to provide electrical engineering consulting services for various Environmental Facilities projects, for the term commencing on November 29, 2021 and terminating on December 31, 2024, for an amount not to exceed \$250,000.00. The Agreement was subsequently executed.

The Department was notified by letter dated April 19, 2023 that effective as of February 1, 2023, the Consultant has entered into an Asset Purchase Agreement with Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services, D.P.C. ("EDR") wherein EDR is acquiring all assets of the Consultant, including all current contracts, and has requested that the County approve the assignment of Agreement No. 21-937 to EDR. Therefore, EDR would assume all of the rights and obligations under Agreement No. 21-937. In addition, the same principals and staff shall be assigned to complete the work, thus guaranteeing continuity to the project.

The attached Resolution, if approved by your Honorable Board, would authorize the County to execute an agreement consenting to the assignment of Agreement No. 21-937 from LynStaar Engineering, P.C. to Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services, D.P.C., a WBE firm, 217 Montgomery Street, Suite 1100, Syracuse, New York 13202, effective as of the date of execution of the assignment.

The objective of this assignment is in the County's best interest as it will provide for uninterrupted consulting services pursuant to Agreement No. 21-937 for the Department project contained therein.

The Department shall continue to track scheduling and accomplishments by the Consultant and perform on-site inspections to ensure the successful completion of this project.

The proposed form of Resolution to accomplish the foregoing is attached hereto.

HJG/as

RESOLUTION

Upon communication from the Commissioner of Public Works and Transportation, be it hereby

RESOLVED, that the County of Westchester ("County") is hereby authorized to consent to the assignment of Agreement No. 21-937, dated November 29, 2021, for electrical engineering consulting services for various Environmental Facilities projects, from LynStaar Engineering, P.C., a WBE firm, to Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services, D.P.C., a WBE firm, 217 Montgomery Street, Suite 1100, Syracuse, New York 13202, effective as of the date of execution of the assignment; and be it further

RESOLVED, that as a condition for the granting of the County's consent to this assignment, Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services, D.P.C. will comply with all contract provisions; and be it further

RESOLVED, that all other terms and conditions of Agreement No. 21-937 shall remain in full force and effect; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized and empowered to execute any and all documents necessary or appropriate to effectuate the purposes hereof.

Agreement No. 21-937

Account to be
Charged/Credited

| Fund | Dept | Major Program, Program & Phase or Unit | Object/ Sub Object | Bond Act No. | Dollars |
|------|------|--|-----------------------|--------------|---------|
| 322 | 60 | SW011-01-I | 6120-05 | BA #57-2020 | |
| 322 | 60 | TBD | 6120-05 | TBD | |
| | | | | | |
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Budget Funding Year(s): 2023 Start Date: Upon Execution End Date: 12/31/24
(must match resolution)

Funding Source: Tax Dollars: _____ Contractor Federal I.D. No./
State Aid: _____ Social Security No.: _____
\$ _____ Federal Aid: _____ Vendor No.: _____
(must match resolution) Other: _____ Encumbrance No.: _____