

**NEW YORK CITY WATER BOARD**

September 28, 2007

**RESOLUTION**

**WHEREAS**, pursuant to Section 1045-g(8) of the New York City Municipal Water Finance Authority Act (the "Act"), the Board is authorized to enter into contracts and to retain private consultants on a contract basis for the purpose of obtaining professional or technical services to assist the Board in carrying out its responsibilities; and

**WHEREAS**, in April 2006, the Board entered into a Consulting Agreement ("Agreement") with Safety Management Systems ("SMSLLC") to provide assistance to DEP in conducting a comprehensive safety assessment ("the Assessment") of all operations and activities conducted by DEP Bureau of Wastewater Treatment (BWT) Marine Section personnel and the vessels and facilities in and upon which such activities are performed; and

**WHEREAS**, on September 15, 2006, the Board authorized an Amendment (dated October 6, 2006) to the Agreement for SMSLLC to perform additional vessel and shore-based facility assessments, to conduct a benchmarking comparison of the Marine Section to other organizations that perform similar tasks in the New York Harbor and to develop a Compliance Action Plan (CAP) for the Marine Section; and

**WHEREAS**, in a memorandum to the Board dated September 21, 2007 from Robin Levine, Acting DEP General Counsel, DEP has identified a need for a consultant to provide additional services to assist DEP in implementing the recommendations and corrective actions identified in the Assessment of the BWT Marine Section, in drafting Standard Operating Procedures, providing training and assisting the

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Marine Section in completing implementation tasks required by its CAP, and in assessing Bureau of Water Supply (BWS) small vessel activities; and

**WHEREAS**, Ms. Levine's memorandum reports that SMSLLC's performance to date on prior tasks has been satisfactory and recommends that SMSLLC be allowed to continue to perform the additional tasks identified for a budget not to exceed \$900,000; and

**WHEREAS**, the Board concurs with the recommendation; and

**WHEREAS**, in accordance with the Water Board's Policy on the Procurement of Goods and Services, in particular, Section 5.i (prior Board approval of contracts where the cumulative value exceeds \$100,000) and Section 6.iv (waiver of competitive solicitation where the procurement is a continuation of existing services and it is desirable for purposes of continuity and compatibility), the Board finds such justification reasonable and appropriate in the present circumstances to forego a new competitive solicitation; it is therefore,

**RESOLVED**, that the Executive Director is hereby authorized and directed to execute a new amendment to the Agreement, upon such terms and conditions as he may deem reasonable and appropriate, so as to increase the maximum compensation payable to SMSLLC by \$900,000 to an amended amount for the Agreement not to exceed \$1,240,000.

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