

NEW YORK CITY WATER BOARD

November 9, 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, the water and wastewater systems (the "Systems") of the City of New York (the "City") have been leased by the City to the New York City Water Board (the "Board"), pursuant to an Agreement of Lease, dated as of July 1, 1985, as amended, between the City and the Board; and,

WHEREAS, the New York City Department of Environmental Protection (DEP) operates and maintains the Systems; and,

WHEREAS, the Board and DEP both wish to ensure that the Systems are operated and maintained in a manner that complies with all applicable laws, rules and regulations; and,

WHEREAS, in furtherance of this important objective, in March 2007 the Board authorized the execution and delivery of a contract between the Board and Analytical Excellence, Inc. (AEX) in an amount not to exceed \$300,000 to provide technical assistance to DEP in connection with a review of the DEP Bureau of Wastewater Treatment (BWT) laboratories; and,

WHEREAS, in May 2007, the Board entered into a Consulting Agreement with AEX, Inc. (Consulting Agreement) to provide such assistance; and,

WHEREAS, DEP has now identified a need for further technical assistance from the consultant to assist DEP in implementing corrective actions to

address the findings identified in the BWT laboratory assessments and to perform a similar assessment of the DEP Bureau of Water Supply (BWS) Division of Water Quality Control (DWQC) laboratories; and,

WHEREAS, DEP, as indicated in the attached Memorandum to the Board from DEP's General Counsel, has identified the firm AEX as its preferred choice for this assignment, and requests that the Board enter into an amendment to the Consulting Agreement with AEX for such purposes; 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; it is therefore,

RESOLVED, that the Executive Director is hereby authorized and directed to execute an amendment to the Consulting Agreement with AEX for total additional compensation not to exceed five hundred fifty thousand dollars (\$550,000) and for an additional term of two years.