

NEW YORK CITY WATER BOARD

September 12, 2008

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 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 New York City Department of Environmental Protection ("DEP") operates and maintains the Water and Wastewater Systems of the City of New York; and

WHEREAS, DEP entered into a Plea Agreement with the US Attorney's Office in which DEP admitted to certain violations of law and accepted probation under the supervision of a court-appointed Monitor during which DEP agreed to develop comprehensive Environmental, Health and Safety ("EHS") Compliance Programs; 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 objective, the Board, acting by and through its Executive Director, executed an agreement and first amendment to agreement on June 29, 2006 with Contract Trainers, Inc., to provide training in EHS procedures and anti-retaliation policies to all DEP managers and supervisory personnel, for a total amount not to exceed \$93,800 ("the Agreement"); and

WHEREAS, on December 15, 2006 upon the recommendation of DEP, the Board authorized a second amendment to the Agreement for an additional amount not

to exceed \$250,000 to provide comprehensive anti-retaliation training to all DEP employees; and

WHEREAS, DEP has identified a need for assistance in completing the training of all non-supervisory DEP employees in anti-retaliation/employee rights and responsibilities; and

WHEREAS, the Board has reviewed a September 4, 2008 memorandum from ZoeAnn Campbell, Deputy Commissioner of DEP Human Resources and Administration, which details the additional necessary services and sets forth a recommendation that the Board authorize a third amendment to the Agreement with Contract Trainers to provide such services to DEP; 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 a third amendment to the Agreement with Contract Trainers, Inc., upon such terms and conditions as he may deem reasonable and appropriate, to complete training for all DEP employees in EHS procedures and anti-retaliation policies, for an additional amount not to exceed \$125,000. Total compensation for services performed under the Agreement and its three subsequent amendments shall not exceed \$468,800.