

## **NEW YORK CITY WATER BOARD**

February 27, 2009

### **RESOLUTION**

**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, the Board previously authorized the execution and delivery of a consulting agreement between the Board and Daly and Pavlis, LLC (the “Consultant”), to provide assistance to DEP in serving on the Investigatory Report Review Committee pursuant to DEP’s Environmental, Health and Safety (EHS) Employee Concerns Program; and

**WHEREAS**, the Board entered into an agreement with the Consultant on July 1, 2008 to provide such assistance for a term of one year (the “Consulting Agreement”); and

**WHEREAS**, there is insufficient funds remaining to enable the Consultant to complete several investigations already assigned under the current Consulting Agreement; and

**WHEREAS**, the Board has received a memorandum from Robin Levine, General Counsel of DEP, which indicates that it is advisable to retain the services of the Consultant as DEP moves forward with its EHS Employee Concerns Program; and

**WHEREAS**, as indicated in the memo, DEP requests that the Board authorize a one-year extension of the Consulting Agreement with Daly and Pavlis, LLC with fees and expenses not to exceed an additional \$300,000; 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 for a one-year extension of the term of the agreement to June 30, 2010, provided that maximum compensation for fees and expenses during such term shall not exceed \$300,000 (total authorized compensation to date including this resolution shall not exceed \$950,000), and upon such other terms and conditions as the Executive Director considers reasonable and appropriate.