

# The Legislature of Rockland County



MICHAEL M. GRANT  
LEGISLATOR, DISTRICT 2  
PLANNING AND PUBLIC WORKS, CHAIR

**AGENDA**  
**PLANNING AND PUBLIC WORKS COMMITTEE**  
**TUESDAY, NOVEMBER 27, 2012**  
**7:00 P.M.**

- **ROLL CALL**
  - **ADOPTION OF MINUTES OF 11/13/12**
1. **REFERRAL NO. 5906** RATIFYING AN AGREEMENT IN EXCESS OF \$100,000 WITH PLYMOUTH ROCK ENERGY FOR THE SUPPLY OF NATURAL GAS (FIRM ACCOUNTS) FOR THE COUNTY OF ROCKLAND AND THE ROCKLAND COUNTY SEWER DISTRICT NO. 1 IN AN AMOUNT NOT TO EXCEED \$200,000 FOR THE PERIOD FROM NOVEMBER 1, 2012 THROUGH APRIL 30, 2013 WITH ALL PURCHASES TO BE MADE BY FORMAL PURCHASE ORDER [DEPARTMENT OF GENERAL SERVICES-DIVISION OF PURCHASING] (\$200,000) **(GERRY WALSH, COMMISSIONER OF DGS-PURCHASING) DL# 2012-04233**
  2. **REFERRAL NO. 7300** ACCEPTING THE BID OF THE LOWEST RESPONSIBLE BIDDER AND APPROVING A CONTRACT IN EXCESS OF \$100,000 WITH HELMER CRONIN CONSTRUCTION INC. IN AN AMOUNT NOT TO EXCEED \$104,820 FOR CONSTRUCTION SERVICES FOR THE EUGENE J. GROGAN CORRECTIONAL CENTER STORAGE GARAGE AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE [DEPARTMENT OF GENERAL SERVICES-FACILITIES MANAGEMENT] (\$104, 820) **(GERRY WALSH, COMMISSIONER OF DGS) DL# 2012-04537**
  3. **REFERRAL NO. 8593** RATIFYING AN AGREEMENT IN EXCESS OF \$100,000 WITH COLONIAL ENERGY INC. FOR THE SUPPLY OF NATURAL GAS (INTERRUPTIBLE ACCOUNTS) FOR THE COUNTY OF ROCKLAND IN THE AMOUNT OF \$307,052 AND ROCKLAND COMMUNITY COLLEGE IN THE AMOUNT OF \$180,546 AND FOR A TOTAL AMOUNT NOT TO EXCEED \$487,598 FOR THE PERIOD FROM NOVEMBER 1, 2012 THROUGH OCTOBER 31, 2013 WITH ALL PURCHASES TO BE MADE BY FORMAL PURCHASE ORDER [DEPARTMENT OF GENERAL SERVICES-DIVISION OF PURCHASING] (\$487,598) **(GERRY WALSH, COMMISSIONER DGS-PURCHASING) DL# 2012-04235**

4. **REFERRAL NO. 1519** APPROVING AN AMENDMENT TO AN EXTENSION OF AN AGREEMENT IN EXCESS OF \$100,000 WITH HARRIS BEACH, PLLC FOR LEGAL SERVICES IN CONNECTION WITH THE MATTER OF WEST GATE LANDSCAPING, INC. V. COUNTY OF ROCKLAND IN THE ADDITIONAL AMOUNT OF \$60,000 FOR A TOTAL SUM NOT TO EXCEED \$159,900 AND EXTENDING THE PERIOD FROM DECEMBER 31, 2012 THROUGH DECEMBER 31, 2013 AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE [DEPARTMENT OF HIGHWAYS] (\$159,000) **(CHARLES VEZZETTI, SUPERINTENDENT OF HIGHWAY)**  
**DL# 2012-01642**

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Introduced by:

Referral No.

**RESOLUTION NO.            OF 2012**  
**RATIFYING AN AGREEMENT IN EXCESS OF \$100,000**  
**WITH PLYMOUTH ROCK ENERGY**  
**FOR THE SUPPLY OF NATURAL GAS (FIRM ACCOUNTS)**  
**FOR THE COUNTY OF ROCKLAND AND**  
**THE ROCKLAND COUNTY SEWER DISTRICT NO. 1**  
**IN AN AMOUNT NOT TO EXCEED \$200,000**  
**FOR THE PERIOD FROM NOVEMBER 1, 2012 THROUGH APRIL 30, 2013**  
**WITH ALL PURCHASES TO BE MADE BY FORMAL PURCHASE ORDER**  
**[DEPARTMENT OF GENERAL SERVICES – DIVISION OF PURCHASING]**  
**(\$200,000)**

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WHEREAS, By Resolution 579 of 2009, the Legislature of Rockland County amended the County's Procurement Policy and added § 140-15 entitled Energy Advisory Group to the Laws of Rockland County, creating the Energy Advisory Group, which consists of the Commissioner of Finance, the Director of Purchasing and the Executive Director of the Rockland County Sewer District No. 1 (the "Sewer District"), and permitting the Energy Advisory Group to, among other things, develop and review energy related bids, act as the County's agent in awarding said bids and forward information regarding such awards to the Legislature of Rockland County for ratification; and

WHEREAS, The Director of Purchasing requested bids for the supply of natural gas (Firm Accounts) under RFB-RC-2012-071 (the "RFB") for the County of Rockland and the Sewer District; and

WHEREAS, The Director of Purchasing also solicited a proposal from the Municipal Electric and Gas Alliance (MEGA), a cooperative of local governments; and

WHEREAS, Over forty (40) natural gas marketers plus MEGA were notified of the RFB, three (3) of the marketers submitted bids (i.e., Plymouth Rock Energy, LLC ("Plymouth"), Hess and Marathon Power) and one (1) of them (i.e., Hess) also responded to the RFB with pricing based on the MEGA cooperative; and

WHEREAS, The Director of Purchasing and the County's energy consultant Energy Enterprises, Inc. analyzed the four (4) proposals and determined that it would be in the best interests of the County to award the contract to Plymouth for a period of six (6) months (The one (1) year pricing option was considerably higher in price.); and

WHEREAS, Plymouth, 1074 Broadway, Woodmere, NY 11598, submitted the lowest price for Pricing Method #1 (i.e., indexed based pricing with trigger option) which requires the marketer to deliver natural gas on a firm full plant requirement but allows the County to lock in pricing at any time, meaning the marketer must supply the County's usage needs at the bid price; and

WHEREAS, In accordance with § 140-15, the Director of Purchasing submitted the energy consultant's analysis to the members of the Energy Advisory Group for review and approval; and

WHEREAS, The members of the Energy Advisory Group agreed with the energy consultant's analysis and recommendation, and they awarded the bid to Plymouth for Pricing Method #1; and

WHEREAS, The pricing offered by Plymouth is lower than the County's previous bid (i.e., \$1.0790 vs. \$1.4150); and

WHEREAS, The Director of Purchasing has issued a blanket purchase order to Plymouth; and

WHEREAS, The Director of Purchasing recommends to the County Executive and the Legislature of Rockland County that they ratify the agreement in excess of \$100,000 with Plymouth for the supply of natural gas (Firm Accounts) for the County and the Sewer District under the RFB in an amount not to exceed \$200,000 for the period November 1, 2012 through April 30, 2013; and

WHEREAS, All purchases will be initiated by formal purchase order; and

WHEREAS, Sufficient funding for these purchases is provided for in the 2012 Budget of the Department of General Services and is contingent upon 2013 budget appropriations; and

WHEREAS, Local Law No. 18 of 1996 provides for the Legislature to approve the "execution of all contracts in excess of \$100,000 entered into by the County"; and

WHEREAS, The Committees of the Legislature have met, considered and approved this resolution; now therefore be it

RESOLVED, That the Legislature of Rockland County hereby ratifies the County's agreement in excess of \$100,000 with Plymouth Rock Energy, LLC, 1074 Broadway, Woodmere, NY 11598, for the supply of natural gas (Firm Accounts) under RFB-RC-2012-071 for the County of Rockland and the Rockland County Sewer District No. 1 in an amount not to exceed \$200,000 for the period from November 1, 2012 through April 30, 2013, with all purchases to be made by formal purchase order, subject to the approval of the Director of Purchasing; and be it further

RESOLVED, That sufficient funding for these purchases is provided for in the 2012 Budget of the Department of General Services and is contingent upon 2013 budget appropriations.

BB:lo  
2012-04233  
10/26/12

BB:lo  
2012-04233  
10/26/12



# DRAFT

Referral No.

WHEREAS, Sufficient funding for this project exists in Sheriff's Department Forfeiture Funds FS02-E4500; and

WHEREAS, The Committees of the Legislature have met, considered and approved this resolution; now therefore be it

RESOLVED, That the Legislature of Rockland County accepts the bid in the amount of \$104,820 and awards the contract for construction services for the Eugene J. Grogan Correctional Center's Storage Garage to replace the roof and outside block wall covering from Helmer Cronin Construction Inc., 27 Route 210, Stony Point, New York 10980; and be it further

RESOLVED, That the Legislature of Rockland County approves the contract in excess of \$100,000 with Helmer Cronin Construction Inc., 27 Route 210, Stony Point, New York 10980 for construction services for the Eugene J. Grogan Correctional Center's Storage Garage to replace the roof and outside block wall covering in an amount not to exceed \$104,820 pursuant to plans and specifications prepared by the Department of General Services-Facilities Management, and authorizes its execution by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That sufficient funding for this project exists in the Sheriff's Department Forfeiture Funds FS02-E4500.

TS: dc:lo  
2012-04337  
11/20/12

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Introduced by:

Referral No.

**RESOLUTION NO.            OF 2012  
RATIFYING AN AGREEMENT IN EXCESS OF \$100,000  
WITH COLONIAL ENERGY INC.  
FOR THE SUPPLY OF NATURAL GAS (INTERRUPTIBLE ACCOUNTS)  
FOR THE COUNTY OF ROCKLAND  
IN THE AMOUNT OF \$307,052  
AND ROCKLAND COMMUNITY COLLEGE  
IN THE AMOUNT OF \$180,546  
AND FOR A TOTAL AMOUNT NOT TO EXCEED \$487,598  
FOR THE PERIOD FROM NOVEMBER 1, 2012 THROUGH OCTOBER 31, 2013  
WITH ALL PURCHASES TO BE MADE BY FORMAL PURCHASE ORDER  
[DEPARTMENT OF GENERAL SERVICES – DIVISION OF PURCHASING]  
(\$487,598)**

WHEREAS, By Resolution 579 of 2009, the Legislature of Rockland County amended the County's Procurement Policy and added § 140-15 entitled Energy Advisory Group to the Laws of Rockland County, creating the Energy Advisory Group, which consists of the Commissioner of Finance, the Director of Purchasing and the Executive Director of the Rockland County Sewer District No. 1, and permitting the Energy Advisory Group to, among other things, develop and review energy related bids, act as the County's agent in awarding said bids and forward information regarding such awards to the Legislature of Rockland County for ratification; and

WHEREAS, The Director of Purchasing requested bids for the supply of natural gas (Interruptible Accounts) under RFB-RC-2012-089 (the "RFB") for the County of Rockland and Rockland Community College (RCC); and

WHEREAS, The Director of Purchasing also solicited a proposal from the Municipal Electric and Gas Alliance (MEGA), a cooperative of local governments; and

WHEREAS, Over forty (40) natural gas marketers plus MEGA were notified of the RFB, one (1) marketer submitted a bid (i.e., Colonial Energy, Inc. ("Colonial")) and one (1) marketer (i.e., Hess) responded to the RFB with pricing based on the MEGA cooperative; and

WHEREAS, The Director of Purchasing and the County's energy consultant Energy Enterprises, Inc. analyzed the two (2) proposals and determined that it would be in the best interests of the County to award the contract to Colonial for a period of one (1) year (The two (2) year pricing was slightly lower in price, but it was not recommended by the energy consultant based upon the current stable market and recent declining prices.); and

WHEREAS, Colonial, 3975 Fair Ridge Drive, Fairfax, VA 22033, submitted the lowest price for Pricing Method #1 (i.e., indexed based pricing with trigger option and

100% swing) which requires the marketer to deliver natural gas on a firm full plant requirement but allows the County to lock in pricing at any time, meaning the marketer must supply the County's usage needs at the bid price; and

WHEREAS, In accordance with § 140-15, the Director of Purchasing submitted the energy consultant's analysis to the members of the Energy Advisory Group for review and approval; and

WHEREAS, The members of the Energy Advisory Group agreed with the energy consultant's analysis and recommendation, and they awarded the bid to Colonial for Pricing Method #1; and

WHEREAS, The pricing offered by Colonial is lower than the County's previous bid (i.e., \$0.743 vs. \$1.0220), which will result in an estimated savings of \$73,562 or 23.96% if usage remains the same; and

WHEREAS, The Director of Purchasing has issued a blanket purchase order to Colonial; and

WHEREAS, The Director of Purchasing recommends to the County Executive and the Legislature of Rockland County that they ratify the agreement in excess of \$100,000 with Colonial for the supply of natural gas (Interruptible Accounts) for the County and RCC under the RFB in an amount not to exceed \$487,598 for the period from November 1, 2012 through October 31, 2013; and

WHEREAS, All purchases will be initiated by formal purchase order; and

WHEREAS, Sufficient funding for these purchases is provided for in the 2012 Budget of the Department of General Services and is contingent upon 2013 budget appropriations; and

WHEREAS, Local Law No. 18 of 1996 provides for the Legislature to approve the "execution of all contracts in excess of \$100,000 entered into by the County"; and

WHEREAS, The Committees of the Legislature have met, considered and approved this resolution; now therefore be it

RESOLVED, That the Legislature of Rockland County hereby ratifies the County's agreement in excess of \$100,000 with Colonial Energy, Inc., 3975 Fair Ridge Drive, Fairfax, VA 22033, for the supply of natural gas (Interruptible Accounts) under RFB-RC-2012-089 for the County of Rockland in the amount of \$307,052 and Rockland Community College in the amount of \$180,546 and in a total amount not to exceed \$487,598 for the period from November 1, 2012 through October 31, 2013, with all purchases to be made by formal purchase order, subject to the approval of the Director of Purchasing; and be it further

RESOLVED, That sufficient funding for these purchases is provided for in the 2012 Budget of the Department of General Services and is contingent upon 2013 budget appropriations.

BB:lo  
2012-04235  
10/26/12



# DRAFT

Referral No.

WHEREAS, The Superintendent of Highways recommends to the County Executive and the Legislature of Rockland County to approve an amendment and extension of the agreement with Harris Beach, PLLC, 445 Hamilton Avenue, Suite 1206, White Plains New York 10601, for legal services in connection with the matter of West Gate Landscaping, Inc. v. County of Rockland in the additional amount of \$60,000 for a total sum not to exceed \$159,900 and an extension for the period from December 31 2012 through December 31, 2013; and

WHEREAS, Local Law No. 18 of 1996 provides for the Legislature to approve the "execution of all contracts in excess of \$100,000 entered into by the County"; and

WHEREAS, Sufficient funding for this agreement exists in the Rockland County Drainage Agency Capital Project No. 7049; and

WHEREAS, The  
Legislature have met, considered and  
therefore be it

Committees of the  
approved this resolution; now

RESOLVED, That the Legislature of Rockland County hereby approves an amendment and extension of the agreement in excess of \$100,000 with Harris Beach, PLLC, 445 Hamilton Avenue, Suite 1206, White Plains New York 10601, for legal services in connection with the matter of West Gate Landscaping, Inc. v. County of Rockland under Index No. 8310/07 in the additional amount of \$60,000 for a total sum not to exceed \$159,900 and an extension for the period from December 31, 2012 through December 31, 2013, and authorizes its execution by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That sufficient funding for this to the agreement exists in the Rockland County Drainage Agency Capital Project No. 7049.

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2012-01642  
11/20/12

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