

11450

TO: Board of Acquisition and Contract

FROM: John J. Hsu, P.E.
Acting Commissioner of Public Works

DATE: May 14, 2010

SUBJECT: THIRD AMENDMENT TO AGREEMENT NO. 06-906
Authority to Enter into an Agreement with the State of New York
For the Bridge Reconstruction of the Bronx River Parkway over the Bronx River
and MTA Metro-North Rail at Crane Road (BINs 3348779 & 3348789), Town of
Greenburgh and Village of Scarsdale, Westchester County, New York

On March 23, 2006, your Honorable Board authorized the County of Westchester to enter into an Agreement with the State of New York wherein the State shall provide federal funds in a sum not to exceed \$1,880,000.00 representing eighty (80) percent of eligible costs, and the County will provide local funds in a sum not to exceed \$470,000.00 representing the twenty (20) percent local match of the eligible cost for preliminary engineering and right-of-way incidentals for the Bridge Reconstruction of the Bronx River Parkway over the Bronx River and MTA Metro-North Rail at Crane Road (BINs 3348779 & 3348789), Town of Greenburgh and Village of Scarsdale, Westchester County, New York. This local match percentage may be further reduced to five (5) percent with the award of Marchiselli Program Funds (\$352,500.00), resulting in a net County share for eligible costs of \$117,500.00, as would be contained in Supplemental Agreements with the State of New York.

Then on October 2, 2008, your Honorable Board authorized the County of Westchester to amend the existing Agreement with the State of New York, acting through the New York State Department of Transportation (NYSDOT), to allow NYSDOT to undertake a Value Engineering Assessment of this project for a cost not to exceed \$56,000.00 (80%) in federal funds and \$14,000.00 (20%) in local funds which may be further comprised of \$10,500.00 (15%) in State Marchiselli Funds and \$3,500.00 (5%) in County funds. Likewise Authority was requested to deposit \$14,000.00, representing the entire local share of the Value Engineering Assessment, with the New York State Department of Transportation. These monies were deducted from the authorized amounts approved in the original Agreement.

Subsequently, on December 17, 2009, your Honorable Board authorized the County of Westchester to amend the existing Agreement with the State of New York, wherein the State shall provide federal funds in a sum not to exceed \$2,640,000.00 representing eighty (80) percent of eligible costs, and the County will provide local funds in a sum not to exceed \$660,000.00 representing the twenty (20) percent local match of the eligible cost for detailed design for the Bridge Reconstruction of the Bronx River Parkway over the Bronx River and MTA Metro-North Rail at Crane Road (BINs 3348779 & 3348789), Town of Greenburgh and Village of Scarsdale, Westchester County, New York. This local match percentage may be further reduced to five (5) percent with the award of Marchiselli Program Funds (\$495,000.00), resulting in a net County share for eligible costs of \$165,000.00, as would be contained in Supplemental Agreements with the State of New York. The completion date of the Agreement was also extended to December 30, 2015.

Board of Acquisition and Contract
Third Amendment to Agreement No. 06-906
State of New York
Bridge Reconstruction of the Bronx River Parkway over the Bronx River and
MTA Metro-North Rail at Crane Road (BINs 3348779 & 3348789),
Town of Greenburgh and Village of Scarsdale, Westchester County, New York
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Authority is now requested for the County of Westchester to amend the existing Agreement with the State of New York, wherein the State shall provide federal funds in a sum not to exceed \$1,200,000.00 representing eighty (80) percent of eligible costs, and the County will provide local funds in a sum not to exceed \$300,000.00 representing the twenty (20) percent local match of the eligible cost for right of way acquisition phase for the Bridge Reconstruction of the Bronx River Parkway over the Bronx River and MTA Metro-North Rail at Crane Road (BINs 3348779 & 3348789), Town of Greenburgh and Village of Scarsdale, Westchester County, New York. This local match percentage may be further reduced to five (5) percent with the award of Marchiselli Program Funds (\$225,000.00), resulting in a net County share for eligible costs of \$75,000.00, as would be contained in Supplemental Agreements with the State of New York.

This project is in the public's best interest in that successful completion of the project will increase motorist safety through the replacement of a substandard bridge. Likewise, the use of federal and state funds reduces the impacts of this project on the local tax base. Energy and environmental effects are positive as closure of the bridge would result in significant detours and congestion.

If this resolution were not approved, the County would not be able to take advantage of significant amounts of federal and state aid for the right of way acquisition phase of the project which would result in an increase to the local tax burden.

The County is responsible for undertaking all phases, except the Value Engineering Assessment, including the payment in the first instance of one hundred (100) percent of the federal and non-federal funds for the preliminary engineering, detailed design, construction and construction inspection phases of this project, following Federal and New York State guidelines and procedures to insure reimbursement. Supplemental Agreements, amending this Agreement, will be required by NYSDOT as the project progresses towards completion in order for the County to receive additional federal and state funds for right of way acquisition, construction and construction inspection. The County Capital Plan will be updated to reflect receipt of additional Federal and State funds, which reduce the County funds required for this project.

The Congress of the United States has provided for the apportionment of Federal Aid Highway funds to the State for the purposes of carrying out Federal Aid Highway Projects pursuant to the applicable sections of Title 23, US Code, as amended, and the New York State Highway Law authorizes the Commissioner of Transportation of the State of New York to use monies of the Federal Government available under the Federal Aid Highway Acts and provides for the consent to and approval by Westchester County of any project under the Federal Aid Highway Program which is not on the State Highway System.

This Department will utilize Primavera Software Management tools to track scheduling and accomplishments during construction to insure the successful completion of this project.

The proposed form of Resolution to accomplish the foregoing is attached hereto.

RESOLUTION

Upon communication from the Acting Commissioner of Public Works,

WHEREAS, the County shall be responsible for undertaking the engineering, construction and construction inspection phases for the Bridge Reconstruction of the Bronx River Parkway over the Bronx River and MTA Metro-North Rail at Crane Road (BINs 3348779 & 3348789), Town of Greenburgh and Village of Scarsdale, Westchester County, New York, following Federal and New York State guidelines and procedures; and

WHEREAS, the County of Westchester has entered into an Agreement with the State of New York for preliminary engineering and right-of-way incidentals providing that the State shall provide federal funds in a sum not to exceed \$1,880,000.00, representing eighty (80) percent, and the County will provide funds in a sum not to exceed \$470,000.00, representing twenty (20) percent of the cost for the Bridge Reconstruction of the Bronx River Parkway over the Bronx River and MTA Metro-North Rail at Crane Road (BINs 3348779 & 3348789), Town of Greenburgh and Village of Scarsdale, Westchester County, New York. Receipt of Marchiselli Program Funds (\$352,500.00) upon completion of the project may reduce the County's contribution for this phase to a sum not to exceed \$117,500.00, representing five (5) percent of the estimated eligible project cost; and

WHEREAS, the County of Westchester previously amended this Agreement with the State of New York to allow the New York State Department of Transportation to undertake a Value Engineering Assessment of this project for a cost not to exceed \$56,000.00 (80%) in federal funds and \$14,000.00 (20%) in County funds which may be reduced to \$3,500.00 (5%) in County funds upon receipt of \$10,500.00 (15%) in State Marchiselli Funds; and

WHEREAS, the County of Westchester previously amended this Agreement with the State of New York for detailed design providing that the State shall provide federal funds in a sum not to exceed \$2,640,000.00, representing eighty (80) percent, and the County will provide funds in a sum not to exceed \$660,000.00, representing twenty (20) percent of the cost for Bridge Reconstruction of the Bronx River Parkway over the Bronx River and MTA Metro-North Rail at Crane Road (BINs 3348779 & 3348789), Town of Greenburgh and Village of Scarsdale, Westchester County, New York. Receipt of Marchiselli Program Funds (\$495,000.00) upon completion of the project may reduce the County's contribution for this phase to a sum not to exceed \$165,000.00, representing five (5) percent of the estimated eligible project cost; and

WHEREAS, the Congress of the United States has provided for the apportionment of Federal Aid Highway funds to the State for the purposes of carrying out Federal Aid Highway Projects pursuant to the applicable sections of Title 23, US Code, as amended; and the New York State Highway Law authorizes the Commissioner of Transportation of the State of New York to use monies of the Federal Government available under the Federal Aid Highway Acts and provides for the consent to and approval by Westchester County of any project under the Federal Aid Highway Program which is not on the State Highway System; and

WHEREAS, the County of Westchester is responsible for the first instance of all funds, except those for the Value Engineering Assessment, to progress this project through the various stages following Federal and New York State guidelines and procedures to insure reimbursement; now, therefore be it

RESOLUTION

RESOLVED, that the County of Westchester be, and hereby is authorized to Amend the Agreement with the State of New York for the right of way acquisition phase providing that the State shall provide federal funds in a sum not to exceed \$1,200,000.00, representing eighty (80) percent, and the County will provide funds in a sum not to exceed \$300,000.00, representing twenty (20) percent of the cost for Bridge Reconstruction of the Bronx River Parkway over the Bronx River and MTA Metro-North Rail at Crane Road (BINs 3348779 & 3348789), Town of Greenburgh and Village of Scarsdale, Westchester County, New York. Receipt of Marchiselli Program Funds (\$225,000.00) upon completion of the project may reduce the County's contribution for this phase to a sum not to exceed \$75,000.00, representing five (5) percent of the estimated eligible project cost; and be it further

RESOLVED, that the County Executive or his duly appointed designee be, and hereby is, authorized to take such actions and execute such documents as may be necessary and appropriate to effect the purposes hereof.

Original Agreement:	\$2,350,000.00 (Total)	\$1,880,000.00 (Federal)	\$352,500.00 (State)	\$117,500.00 (County)
1 st Amendment:	\$ -70,000.00 (Total)	- \$56,000.00 (Federal)	- \$10,500.00 (State)	- \$3,500.00 (County)
2 nd Amendment:	\$3,300,000.00(Total)	\$2,640,000.00 (Federal)	\$495,000.00 (State)	\$165,000.00 (County)
This Amendment	\$1,500,000.00(Total)	\$1,200,000.00 (Federal)	\$225,000.00 (State)	\$ 75,000.00 (County)
TOTAL:	\$7,080,000.00 (Total)	\$5,664,000.00 (Federal)	\$1,062,000.00 (State)	\$354,000.00 (County)

Third Amendment to Agreement No. 06-906

Account to be Charged/Credited			Major Program, Program & Phase	Object/ Sub Object	Trust Account	Dollars
	Fund	Dept.	Or Unit			
	371	46	P001800E	9633		\$1,200,000.00
	371	46	P001800E	9634		\$ 225,000.00
	371	46	P001800E	9632		\$ 75,000.00

Budget Funding Year(s) 2010 Start Date 10/01/08 End Date 12/30/15
(must match resolution)

Funding Source: Tax Dollars \$75,000.00 (County Funds) Contractor Federal I.D. No./ Social Security No.: _____

State Aid \$225,000.00 (State Marchiselli Funds)

\$ 1,500,000.00 Federal Aid \$1,200,000.00 (Federal STP-Urban & HBRR Funds) Vendor No.: 991642
(must match resolution)

Other _____ Encumbrance No.: _____