

11979

TO: Board of Acquisition and Contract

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

DATE: June 4, 2010

SUBJECT: First Amendment (of a Multi-Phased Agreement) to Agreement No. 08-904
In the matter of Engineering Services in connection with the
Aircraft Deicing Fluid Collection System Improvements and Ground Boarding
Enclosed Pedestrian Walkways, Westchester County Airport,
Towns of Harrison and North Castle and Village of Rye Brook, New York

Consultant: Clough Harbour & Associates, LLP

Amendment Amount: \$515,658.31

Authority of your Honorable Board is requested to amend the existing Agreement between the County of Westchester and Clough Harbour & Associates, LLP, III Winners Circle, PO Box 5269, Albany, New York 12205. The original Agreement dated August 7, 2008, was for engineering services in connection with the Aircraft Deicing Fluid Collection System Improvements and Ground Boarding Enclosed Pedestrian Walkways, Westchester County Airport, Towns of Harrison and North Castle and Village of Rye Brook, New York.

It is requested that the existing Agreement be amended to provide for supplemental design services associated with this project. Supplemental design services shall include the preparation of construction documents (plans and specifications), construction cost estimates, any required addenda, and bid analysis including an evaluation of the bids to determine compliance with bidding requirements and whether the bidders are responsible so that the County may recommend award of the construction contracts. In addition, the consultant shall provide design services during construction consisting of shop drawing and submittal reviews, attendance at project meetings, periodic site visits and preparation of as-built drawings.

In order to accommodate modifications to the scope of work, it is necessary for the Consultant to provide supplemental design services that were not included in their original agreement. The original Consultant's Agreement included 11,967 hours for design services. Due to modifications to the scope of work, an additional 4,125 hours is required to complete this first phase of design as follows: (1) Truck Upload Facility: Relocation of the truck upload facility to its current new location from the north complex requires additional design services beyond that included in the original agreement. An additional 1,004 hours is required to complete the design of this task; (2) Terminal Ramp Reconstruction: There is a significant re-design effort to research and design below-ground storage. An additional 1,800 hours is required to complete the design of this task; and (3) Enclosed Passenger Walkways: The original scope of this project component included basic, canopy-covered open-air walkways extending from the north and south boarding bridges. The scope has evolved into much more detailed, full-architectural building structures, particularly on the south end. The south structure is now an elevated brick building featuring electrical components, a sub-grade mechanical room, and two new passenger boarding bridges. This requires additional design by architects, mechanical, electrical, structural and aviation engineers. The north walkway is also to be an enclosed, architectural structure requiring electrical, mechanical and structural design. An additional 1,321 hours is required to complete the design of this task.

The objective of this project is to improve the aircraft deicing fluid collection system and to provide ground boarding enclosed pedestrian walkways at the Westchester County Airport. The deicing work is necessary so that the Airport is in compliance with all applicable environmental regulations. The pedestrian walkway work is necessary to ensure compliance with the Americans with Disabilities Act (ADA) as required by the Federal

**Board of Acquisition and Contract
Agreement No. 08-904, First Amendment,
Aircraft Deicing Fluid Collection System Improvements and
Ground Boarding Enclosed Pedestrian Walkways,
Westchester County Airport,
Towns of Harrison and North Castle and Village of Rye Brook, New York
Clough Harbour & Associates, LLP
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Aviation Administration (FAA) so that all passengers have safer access from the Terminal Building to the aircraft. The additional services provided by the Consultant under this Amendment will ensure that this project is completed in a timely manner. This agreement will benefit the public as it will ensure environmental compliance, thereby enhancing the health, safety, and general welfare of the residents of Westchester County. Neglecting to undertake these improvements would result in regulatory violations.

The original intent of this Agreement was to have the design and construction administration performed in multiple phases as subsequent funding became available. The initial design phase defined the scope of work and the required budget for the subsequent phases of design and construction administration, for which funding has been approved.

The engineering discipline encompassed in this Amendment is not new, but rather, it is an integral part of the project that involves the same degree of skill, experience and complexity as the expertise generally described in the original project. Accordingly, this type of engineering discipline was originally contemplated in the Professional Prequalification Board and Professional Selection Board process.

The fee for the above services is for an amount of \$515,658.31, pursuant to an approved budget, bringing the total Agreement plus Amendment to \$2,017,007.23. The completion date of the Agreement shall be extended to December 31, 2015.

Payment for this contract will be made from the Airport Passenger Facility Charge Fund, not the County General Fund and will not impact the County tax levy.

Proposed form of Resolution to accomplish the foregoing is attached hereto.

APPROVED BOARD OF ACQUISITION & CONTRACT - 01/11/2015 - JOAQUIM VIEIRA, SECRETARY

RESOLUTION

Upon communication from the Acting Commissioner of Public Works, be it hereby

RESOLVED, that the existing Agreement between the County of Westchester and Clough Harbour & Associates, LLP, III Winners Circle, PO Box 5269, Albany, New York 12205, be amended to provide for supplemental design services associated with the Aircraft Deicing Fluid Collection System Improvements and Ground Boarding Enclosed Pedestrian Walkways, Westchester County Airport, Towns of Harrison and North Castle and Village of Rye Brook, New York. Supplemental design services shall include the preparation of construction documents (plans and specifications), construction cost estimates, any required addenda, and bid analysis including an evaluation of the bids to determine compliance with bidding requirements and whether the bidders are responsible so that the County may recommend award of the construction contracts. In addition, the consultant shall provide design services during construction consisting of shop drawing and submittal reviews, attendance at project meetings, periodic site visits and preparation of as-built drawings; and be it further

RESOLVED, that for the additional services rendered in accordance with the consultant's proposal for the second phase of this multi-phase project, Clough Harbour & Associates, LLP, shall be paid a fee of \$515,658.31 pursuant to an approved budget, increasing the total maximum fee to \$2,017,007.23; and be it further

RESOLVED, that the completion date of the Agreement shall be extended to December 31, 2015; and be it further

RESOLVED, that all other provisions of the existing Agreement shall remain in full force and effect; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized and empowered to execute any and all documents necessary or appropriate to effectuate the purposes hereof.

JJH/PTK/MC/AS

Original Agreement	\$	1,501,348.92	(Design Services)
This Amendment		<u>515,658.31</u>	(Supplemental Design Services)
TOTAL	\$	2,017,007.23	

Agreement No. 08-904

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase or Unit	Object/Sub Object	Trust Account	Dollars
	361	44	A006902E	6120-03		\$225,000.00
	361	44	A006903E	6120-03		\$125,000.00
	361	44	A008306E	6120-03		\$165,658.31

Budget Funding Year(s): 2010 Start Date: 07/01/10 End Date: 12/31/15
 (must match resolution)

Funding Source: Tax Dollars: _____ Contractor Federal I.D. No./
 State Aid: _____ Social Security No.: 14-1621922
\$515,658.31 Federal Aid: _____ Vendor No.: _____
 (must match resolution) Other: 100% Airport Passenger Facility Charge Fund
 Encumbrance No.: _____