

12751

**TO:** Board of Acquisition and Contract  
**FROM:** John J. Hsu, PE  
Commissioner of Public Works  
**DATE:** July 9, 2010  
**SUBJECT:** Authority to Enter into Agreement #10-926  
In the matter of Engineering Services in connection with the  
Sprout Brook Cell Closure, Sprout Brook Residue Disposal Facility, Cortlandt, New York  
**Consultant:** Malcolm Pirnie, Inc.  
**Agreement Amount:** \$429,354.00

Authority of your Honorable Board is requested to enter into an Agreement in connection with engineering services for the Sprout Brook Cell Closure, Sprout Brook Residue Disposal Facility, Cortlandt, New York. The consultant shall provide the following services associated with this project: (1) Construction Quality Assurance and Construction Quality Control Plan; (2) Post-Closure Operations, Maintenance and Monitoring Plan; (3) Field Construction Oversight; (4) Engineering Support during Construction; (5) Management of Quality Assurance/Quality Control Testing; and (6) Construction Certification Report.

The objective of this project is to provide the final closure of all open areas including those areas that do not have a New York State Department of Environmental Conservation ("NYSDEC") certified final cover, at the Sprout Brook Residue Disposal Facility (the "Sprout Brook Facility"). The Sprout Brook Facility has reached its allowable permitted grades and capacity. As of October 2009, it has ceased operations to accept ash residue and must now be capped. Upon completion of the final capping, the cover will be planted with meadow grasses and wildflowers to minimize maintenance requirements. This project will implement the most cost-effective and environmentally compliant technologies available. Wherever possible, proposed new materials will be incorporated in compliance with LEED guidelines for environmental sustainability as per the United States Green Building Council. This agreement will benefit public health as it increases the integrity of the Sprout Brook Facility and protects the surrounding environment from potential contamination. In addition, this agreement will preserve the significant environmental features of the County and policies that seek to protect the quality of surface and groundwater resources.

In accordance with the Accelerated Qualification and Selection Procedure as outlined in the Rules of the Professional Prequalification and Selection Boards and the Laws of Westchester County, on June 4, 2010, a statement outlining the reason requiring the accelerated procedure, the qualifications of the proposed firm and the scope of work was submitted to the Chairman of the Professional Prequalification Board. The Chairman of the Professional Prequalification Board on June 4, 2010, agreed that the accelerated consultant procurement procedure was warranted. Subsequently, these items were reviewed and approved by the Chairman of the Professional Selection Board on June 7, 2010.

By Resolution approved July 1, 2010, your Honorable Board authorized the County to negotiate with the firm of Malcolm Pirnie, Inc., 104 Corporate Park Drive, Box 751, White Plains, New York 10602, and a proposal was submitted for engineering services for the Sprout Brook Cell Closure, Sprout Brook Residue Disposal Facility, Cortlandt, New York, for a total fee of \$429,354.00, pursuant to an approved budget.

The proposed has been reviewed and is judged to be responsive to the task at hand.

I recommend adoption of the attached proposed Resolution.

# RESOLUTION

Upon communication from the Commissioner of Public Works, be it:

RESOLVED, that approval is hereby granted to enter into an Agreement with the firm of Malcolm Pirnie, Inc., 104 Corporate Park Drive, Box 751, White Plains, New York 10602, for engineering services for the Sprout Brook Cell Closure, Sprout Brook Residue Disposal Facility, Cortlandt, New York. The consultant shall provide the following services associated with this project: (1) Construction Quality Assurance and Construction Quality Control Plan; (2) Post-Closure Operations, Maintenance and Monitoring Plan; (3) Field Construction Oversight; (4) Engineering Support during Construction; (5) Management of Quality Assurance/Quality Control Testing; and (6) Construction Certification Report; and be it further

RESOLVED, that for services rendered in accordance with the consultant's proposal, a total compensation of \$429,354.00, shall be provided, pursuant to an approved budget; and be it further

RESOLVED, that the Agreement shall commence upon the consultant's receipt of written notice from the Commissioner of Public Works or his designee and that the completion date shall be December 31, 2013; 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/LR/AS

Agreement No. 10-926

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub Object	Trust Account	Dollars
	325	60	RD00403I	6120-05		\$429,354.00

Budget Funding Year(s): 2010 Start Date: 08/01/10 End Date: 12/31/13  
 (must match resolution)

Funding Source: Tax Dollars: 100% County Contractor Federal I.D. No./  
 State Aid: \_\_\_\_\_ Social Security No.: 13-2653703  
\$429,354.00 Federal Aid: \_\_\_\_\_ Vendor No.: \_\_\_\_\_  
 (must match resolution) Other: \_\_\_\_\_ Encumbrance No.: \_\_\_\_\_

APPROVED BOARD OF ACQUISITION CONTRACT - 7-22-2010 - JOMARY VEIRA SECRETARY