

13875

DATE September 7, 2010

TO: Board of Acquisition and Contract

FROM: Edward Buroughs
Acting Commissioner of Planning

SUBJECT: Resolution authorizing an Amendment to the Agreement to increase the dollar amount for the Agreement between the County of Westchester and the United States Department of Army, Represented by the United States Army Engineer, New York District for the Design and Construction of a Section 14 – Emergency Streambank Protection Project on the Bronx River at the Westchester County Center

On October 1, 2009, your Honorable Board approved our request to enter into an agreement with the United State Department of Army, Represented by the United States Army Engineer, New York District for the design and construction of a Section 14 – Emergency Streambank Stabilization and Protection Project along the Bronx River adjacent to the Westchester County Center.

The attached resolution authorizes the County of Westchester to amend the agreement with the United States Department of the Army, represented by the United States Army Engineer, New York District to design and construct the Section 14 – Emergency Streambank Stabilization and Protection Project on the Bronx River adjacent to the Westchester County Center. This amendment will increase the amount of the County's cash match to the total project from \$50,000.00 to \$86,750.00, an increase of \$36,750.00. All other terms and conditions will remain the same. The accounting for this project and the not-to-exceed cost estimate has been provided to the County in a letter dated September 2, 2010 from Thomas J. Hodson, Chief, Plan Formulation, Army Corps of Engineers, New York District.

The requested increase from the United States Department of the Army is due to the higher than anticipated final construction cost estimate and consultant fees associated with the project's planning and design phase. The overall project cost has increased from \$1,000,000.00 to \$1,735,000.00. Per the conditions of the agreement, the County will be responsible for 35% of the total project cost (\$350,000 under the original agreement and \$601,000, after credit deduction for LERRDs, under the amended agreement, with \$514,000 credited by the Corps as non-cash, in-kind services from the County).

The agreement will serve the public purpose of protecting the environment, public safety of County-owned property, as well as fiscal responsibility.

The goal and objective of this agreement is to provide long-term protection of County-owned infrastructure and other property, i.e., Bronx River Parkway, vehicular bridge over the Bronx River, and Bronx River Parkway Reservation from streambank erosion. The "bioengineering" methods to be employed in this project will also improve water quality, fish and wildlife habitats and the aesthetic nature of the project site. The agreement exhibits fiscal responsibility by securing non-taxpayer resources. The

project will be monitored by Westchester County, which also will provide in-kind services in the form of project planning, design, administration, management, and other services.

I recommend approval of this amendment.

EB/cp
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 9-10-2010 - JOMARY VIEIRA, SECRETARY

RESOLUTION

AMENDMENT

UPON A COMMUNICATION FROM THE ACTING COMMISSIONER OF PLANNING, BE IT HEREBY

RESOLVED: that the County of Westchester is hereby authorized to amend the agreement with United States Department of Army, represented by the United States Army Engineer, New York District to accept a grant for the design and construction of a Section 14 – Emergency Streambank Stabilization and Protection Project on the Bronx River in the Bronx River Parkway Reservation adjacent to the Bronx River Parkway at the Westchester County Center in order to increase the dollar amount. The estimated project cost will increase from \$1,000,000.00 to \$1,735,000.00 and the County’s cash match of \$50,000.00 will increase to \$86,750.00, an increase of \$36,750.00, and be it further

RESOLVED: that all the other terms and conditions will remain the same, including the County’s responsibility for 35% of the total project costs (\$601,000, after deduction for LERRDs, for the \$1,735,000 project), and it is further

RESOLVED: that the County Executive or his duly authorized designee is authorized to execute any documents and take any actions necessary to effectuate purposes hereof.

Recommended for Approval.

Original Agreement \$50,000.00
This Amendment \$36,750.00
TOTAL \$86,750.00
AGREEMENT NUMBER C-PL-09-337

Account to be Charged/Credited

Table with 6 columns: Fund, Dept, Major Program, Program & Phase, Object/ Sub Object, Trust Account, Dollars. Row 1: 263, 19, 801G, 4380, T801, \$36,750.00

Budget Funding Year(s) FY 2006 Start Date September 15, 2009 End Date September 14, 2011

Funding Source Tax Dollars
State Aid \$36,750.00
Federal Aid
Other

\$36,750.00 (must match resolution)