

23342

TO: Board of Acquisition and Contract
FROM: John J. Hsu, PE
Commissioner of Public Works and Transportation
DATE: November 29, 2011
SUBJECT: First Amendment (of a Multi-Phased Agreement) to Agreement No. 09-910
In the matter of Engineering Services in connection with the
County Water District #3 - Water Distribution System Improvements,
Gate of Heaven Pump Station, Mount Pleasant, New York

Consultant: Malcolm Pirnie, Inc.
Amendment Amount: \$98,000.00

Authority of your Honorable Board is requested to amend the existing Agreement between the County of Westchester and Malcolm Pirnie, Inc., 44 South Broadway, 15th Floor, White Plains, New York 10601. The original Agreement dated April 6, 2009, was for engineering services in connection with the County Water District #3 - Water Distribution System Improvements, Gate of Heaven Pump Station, Mount Pleasant, New York.

Originally, construction of the Gate of Heaven Pump Station was to be complete by August 2, 2011. However, due to unforeseen conditions, including: (1) additional Con Edison requirements; (2) additional review of substitute method for micro-tunneling; (3) unknown buried utility interferences; (4) changes required by the New York City Department of Environmental Protection; and (5) adverse weather conditions, construction has been delayed by approximately six (6) months.

It is therefore requested that the existing Agreement be amended to provide for continued construction administration services and design services during construction for the additional time during which construction activities have been extended in connection with the Gate of Heaven Pump Station and its associated facilities. For construction administration services, the consultant shall monitor the construction procedures on the site to ensure compliance with the contract documents, coordinate scheduled activities of the contractors, submit construction progress reports and review and process contractors' applications for payment. In addition, the consultant shall provide design services during construction consisting of shop drawing and submittal review, attendance at project meetings, periodic site visits and preparation of as-built drawings.

The objective of this project is to provide improvements to the water distribution system serving County Water District #3 ("CWD #3"), primarily for the Grasslands Reservation. CWD #3 serves the occupants of the Valhalla Campus at Grasslands, including the Westchester Medical Center, Correctional Facilities and the New York Medical College, as well as certain adjacent properties. The average daily consumption rate for CWD #3 is approximately 900,000 gallons per day. The Catskill Aqueduct is the primary water source for CWD #3. The New York City Department of Environmental Protection ("NYCDEP") has notified the County of Westchester (the "County") that, due to work associated with the construction of the NYCDEP's Catskill/Delaware Ultra Violet ("UV") treatment facility, there will be long-term Catskill Aqueduct shutdowns beginning in January, 2012. The proposed shutdowns require that CWD #3 immediately provide an alternate water source to its customers. A Comprehensive Study has been performed of the available alternatives to provide back-up water sources for both now and in the future, including during the upcoming proposed one (1) month long shutdown of the Catskill Aqueduct. After extensive investigation, the most cost effective option available to the County is to

tie into the new Kensico Reservoir pipeline, which NYCDEP is constructing to serve the Town of Mount Pleasant and reconstruct the Gate of Heaven (GOH) pumping facilities. NYCDEP has advised the County that the new Kensico Reservoir pipeline will have the capacity to meet the County's needs. NYCDEP has further advised the County that the Town of Mount Pleasant is willing to facilitate this necessary goal including granting the County any required easements. This project will include: replacement of the existing GOH pumping facilities with a new pumping station that has UV treatment capability; re-use of the existing chemical facilities at GOH; a new transmission main from Commerce Street to the new GOH pumping station, including directional drilling or micro-tunneling under the Taconic Parkway, Metro North railroad tracks and culvert on the western side of the tracks; demolition/deconstruction at the existing GOH pump station, including hazardous materials remediation and removal of the existing underground diesel tank. This project will implement the most cost-effective and environmentally compliant technologies available which will provide long-term energy conservation. The new electrical and mechanical equipment will be in compliance with LEED guidelines as per the United States Green Building Council. This agreement will benefit the public as it will provide a reliable continuous source of water for CWD #3 customers for the duration of the NYCDEP Catskill Aqueduct shutdowns.

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 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 \$98,000.00 pursuant to an approved budget, bringing the total Agreement plus Amendment to \$2,089,000.00. The completion date of the Agreement shall remain December 31, 2012.

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

RESOLUTION

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

RESOLVED, that the existing Agreement between the County of Westchester and Malcolm Pirnie, Inc., 44 South Broadway, 15th Floor, White Plains, New York 10601, be amended to provide for engineering services in connection with the County Water District #3 - Water Distribution System Improvements, Gate of Heaven Pump Station, Mount Pleasant, New York. The consultant shall provide continued construction administration services and design services during construction associated with this project. For construction administration services, the consultant shall monitor the construction procedures on the site to ensure compliance with the contract documents, coordinate scheduled activities of the contractors, submit construction progress reports and review and process contractors' applications for payment. In addition, the consultant shall provide design services during construction consisting of shop drawing and submittal review, 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, Malcolm Pirnie, Inc., shall be paid a fee of \$98,000.00 pursuant to an approved budget, increasing the total maximum fee to \$2,089,000.00; 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/LR/AS

Original Agreement	\$ 1,991,000.00	(Design and CA Services for CWD #3 Improvements)
This Amendment	<u>98,000.00</u>	(Continued CA Services and Design Services During Construction)
TOTAL	\$ 2,089,000.00	

Agreement No. 09-910

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub Object	Trust Account	Dollars
	324	60	WD30203I	6120-05		\$ 69,000.00
	324	60	WD30203E	6120-03		\$ 29,000.00

Budget Funding Year(s): 2011 Start Date: 12/30/11 End Date: 12/31/12
 (must match resolution)

Funding Source: Tax Dollars: <u>100% District</u>	Contractor Federal I.D. No./
State Aid: _____	Social Security No.: _____
<u>\$ 98,000.00</u> Federal Aid: _____	Vendor No.: _____
(must match resolution) Other: _____	Encumbrance No.: _____