

**32630**

**TO:** Board of Acquisition and Contract

**FROM:** Jay T. Pisco, PE  
Commissioner of Public Works and Transportation

**DATE:** March 5, 2013

**SUBJECT:** First Amendment (of a Multi-Phased Agreement) to Agreement No. 11-923  
In the matter of Engineering Services in connection with the  
Mechanical and Sludge Handling Upgrades, Peekskill Wastewater Treatment Plant,  
Peekskill, New York

**Consultant:** GHD Consulting Engineers, LLC  
**Amendment Amount:** \$254,500.00  
*Subconsultant Approval:* KJM Construction Management, Inc.

---

Authority of your Honorable Board is requested to amend the existing Agreement between the County of Westchester and GHD Consulting Engineers, LLC, One Remington Park Drive, Cazenovia, New York 13035. The original Agreement dated September 26, 2011, was for engineering services in connection with the Mechanical and Sludge Handling Upgrades, Peekskill Wastewater Treatment Plant, Peekskill, New York.

The original Agreement included the design of all project components into a complete set of construction plans and specifications for a single publicly bid contract. As the design progressed, the conditions of various project components were found to be deteriorating more rapidly than originally anticipated. Based upon this, the Department of Environmental Facilities (DEF) recommended that the most critical operational components of the project be completed initially requiring the upgrade work to be bid as two separate construction contracts. Due to its extensive deterioration, DEF advised that the replacement of manual scum removal equipment on the primary and final clarifiers be bid first, utilizing current project funding. DEF will request future construction funding for the remaining project components required to complete the upgrade work. Splitting the construction for this project into two separate phases requires additional engineering services not included in the existing Agreement.

It is therefore requested that the existing Agreement be amended to provide for engineering services in connection with the Mechanical and Sludge Handling Upgrades, Peekskill Wastewater Treatment Plant, Peekskill, New York. The consultant shall provide additional design services and construction administration services associated with this project that address issues that have arisen which are outside of the scope of work included in the existing Agreement. Additional design services are for the replacement of manual scum removal equipment on the primary and final clarifiers and shall include the completion 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. For construction administration services of the remaining project components, 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.

The objective of this project is to upgrade the mechanical and sludge handling systems at the Peekskill Wastewater Treatment Plant. Presently the mechanical equipment and mechanisms in the primary and final clarifiers, and ancillary pumps and piping are over 25 years old and have reached the end of their useful life. Replacement is necessary to ensure process reliability and environmentally compliant operation of the treatment plant. This project is for the replacement of plant components including the sludge collection mechanisms in the primary and final settling tanks, new sludge plunger pumps, sludge piping and new primary and final settling tank grease skimmers. Neglecting to upgrade these critical elements of the plant may result in a failure, including the occurrence of a sewage overflow emergency that could allow sewage into the surrounding properties and cause violations of the plant's State Pollutant Discharge Elimination System (SPDES) Permit. It should be noted that energy efficiencies will be evaluated during the design phase using Leadership in Energy and Environmental Design ("LEED") recommendations and improvements, and those applicable to the required work will be incorporated to help reduce energy usage, maintenance and manpower costs. This agreement will benefit the public as it will ensure that the plant's operations are safe and environmentally compliant, thereby enhancing the health and general welfare of the residents of Westchester County.

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 \$254,500.00 pursuant to an approved budget, bringing the total Agreement plus Amendment to \$373,500.00. The completion date of the Agreement shall be extended to December 31, 2017.

In addition, GHD Consulting Engineers, LLC, has requested the utilization of the following subconsultant: KJM Construction Management, Inc. (Construction Administration Services), 150 Grand Street, 4<sup>th</sup> Floor, White Plains, New York 10601.

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 GHD Consulting Engineers, LLC, One Remington Park Drive, Cazenovia, New York 13035, be amended to provide for engineering services in connection with the Mechanical and Sludge Handling Upgrades, Peekskill Wastewater Treatment Plant, Peekskill, New York. The consultant shall provide additional design services and construction administration services associated with this project that address issues that have arisen which are outside of the scope of work included in the existing Agreement. Additional design services are for the replacement of manual scum removal equipment on the primary and final clarifiers and shall include the completion 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. For construction administration services of the remaining project components, 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; 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, GHD Consulting Engineers, LLC, shall be paid a fee of \$254,500.00 pursuant to an approved budget, increasing the total maximum fee to \$373,500.00; and be it further

RESOLVED, that the completion date of the Agreement shall be extended to December 31, 2017; and be it further

RESOLVED, that the use of the following subconsultant also be approved: KJM Construction Management, Inc. (Construction Administration Services), 150 Grand Street, 4<sup>th</sup> Floor, White Plains, New York 10601; and be it further

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

# RESOLUTION

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.

JTP/LR/AS

Original Agreement	\$	119,000.00	(Design Services - Mechanical & Sludge Handling Upgrades)
This Amendment		254,500.00	(Additional Design Services & CA Services - Mechanical & Sludge Handling Upgrades)
TOTAL	\$	373,500.00	

Agreement No. 11-923

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub Object	Trust Account	Dollars
	322	60	SPK1200E	6120-03		\$ 14,500.00
	322	60	SPK1200I	6120-05		\$ 240,000.00

Budget Funding Year(s): 2013 Start Date: 04/15/13 End Date: 12/31/17  
 (must match resolution)

Funding Source:	Tax Dollars: <u>100% County</u>	Contractor Federal I.D. No./
	State Aid: _____	Social Security No.: _____
\$ <u>254,500.00</u>	Federal Aid: _____	Vendor No.: _____
(must match resolution)	Other: _____	Encumbrance No.: _____