

36452

**TO:** Board of Acquisition and Contract

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

**DATE:** October 15, 2013

**SUBJECT:** Third 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:** \$829,776.32

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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. The Agreement was thereafter amended pursuant to a Resolution approved June 17, 2010, to provide for engineering services in connection with the Aircraft Deicing Fluid Collection System Improvements and Ground Boarding Enclosed Pedestrian Walkways at the Westchester County Airport. The Agreement was thereafter amended pursuant to a Resolution approved December 20, 2012, to provide for engineering services in connection with the Aircraft Deicing Fluid Collection System Improvements and Ground Boarding Enclosed Pedestrian Walkways at the Westchester County Airport.

The design and construction for this project is being done in multiple phases. Currently Phase I is under construction and the consultant is providing the associated construction administration services. The consultant has completed a portion of the Phase II design for this project which includes apron reconstruction from Hangar A to the existing guard building adjacent to the terminal. During the design of Phase II, the following issues have arisen which are outside of the scope of work included in the existing Agreement: (1) The original design scope included underground storage tanks located near the terminal. Due to space constraints near the terminal, it was determined that the tanks needed to be relocated farther away from the terminal. This redesign effort is beyond the scope of the existing Agreement; (2) The relocated underground storage tanks are in an area that has bedrock which requires additional foundation design; and (3) The relocated underground storage tanks will require the additional design of a force main to properly convey and discharge the deicing fluid. Also, when Phase II construction begins, construction administration services (not included in the scope of the existing Agreement) will be required.

It is therefore requested that the existing Agreement be amended to provide for engineering services in connection with this project. The consultant shall provide additional design services and construction administration services associated with Phase II of this project that address issues that have arisen which are outside of the scope of work included in the existing Agreement. Design services 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

**Board of Acquisition and Contract  
Agreement No. 08-904, Third 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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meetings, periodic site visits and preparation of as-built drawings. 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.

The objective of this project is to improve the aircraft deicing fluid collection system at the Westchester County Airport. The deicing work is necessary so that the Airport is in compliance with all applicable environmental regulations. 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 \$829,776.32, pursuant to an approved budget, bringing the total Agreement plus Amendments to \$3,828,154.56. The completion date of the Agreement shall be extended to December 31, 2017.

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.

JTP/PC/JM/AS

# 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 Clough Harbour & Associates, LLP, III Winners Circle, PO Box 5269, Albany, New York 12205, be amended to provide for engineering 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. The consultant shall provide additional design services and construction administration services associated with Phase II of this project that address issues that have arisen which are outside of the scope of work included in the existing Agreement. Design services 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, 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 current phase of this multi-phase project, Clough Harbour & Associates, LLP, shall be paid a fee of \$829,776.32 pursuant to an approved budget, increasing the total maximum fee to \$3,828,154.56; 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 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.

Original Agreement	\$ 1,501,348.92	(Design Services)
First Amendment	515,658.31	(Supplemental Design Services)
Second Amendment	981,371.01	(Design Services – Phase I & II and Constr. Admin. Services – Phase I)
This Amendment	<u>829,776.32</u>	(Design Services and Constr. Admin. Services – Phase II)
<b>TOTAL</b>	<b>\$ 3,828,154.56</b>	

Agreement No. 08-904

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase or Unit	Object/Sub Object	Trust Account	Dollars
	362	44	A006902E	6120-03		\$102,500.00
	362	44	A006902I	6120-05		\$249,910.53
	362	44	A006903E	6120-03		\$102,500.00
	362	44	A006903I	6120-05		\$374,865.79

Budget Funding Year(s): 2013 Start Date: 11/30/13 End Date: 12/31/17  
(must match resolution)

Funding Source: Tax Dollars: \_\_\_\_\_ Contractor Federal I.D. No./  
State Aid: \_\_\_\_\_ Social Security No.: \_\_\_\_\_  
\$829,776.32 Federal Aid: \_\_\_\_\_ Vendor No.: \_\_\_\_\_  
(must match resolution) Other: 100% Airport Passenger Facility Charge Fund Encumbrance No.: \_\_\_\_\_