

38022

TO: Board of Acquisition and Contract

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

DATE: January 21, 2014

SUBJECT: Fourth Amendment (of a Multi-Phased Agreement) to Agreement No. 03-941
In the matter of:

(1) Authorization for GHD Consulting Engineers, LLC to Assign Agreement No. 03-941 to GHD Consulting Services Inc.

(2) Amendment for Engineering Services in connection with the Phase II - Pump Station Rehabilitation Program, New Rochelle Sewer District

Consultant: **GHD Consulting Services Inc.**
Amendment Amount: **\$93,000.00**

Pursuant to a Resolution approved on September 2, 2004, the County of Westchester ("County") entered into Agreement Number 03-941 with Stearns & Wheeler, LLC ("Consultant"), One Remington Park Drive, Cazenovia, New York 13035, commencing on September 6, 2004, wherein the Consultant was to provide engineering services associated with the Phase I - Pump Station Rehabilitation Program of Various Locations in Westchester County, New York. The Agreement was thereafter amended by Resolution approved October 16, 2008, for engineering services associated with the Phase II - Pump Station Rehabilitation Program of Various Locations in the Mamaroneck and New Rochelle Sewer Districts. The Agreement was thereafter further amended by Resolution approved February 21, 2013, to change the name of the Consultant to GHD Consulting Engineers, LLC and to provide for design and construction administration services associated with Phase III - Pump Station Rehabilitation Program in the Mamaroneck Sewer District. The Agreement was thereafter further amended by Resolution approved July 25, 2013, 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 Phase II - Pump Station Rehabilitation Program in the New Rochelle Sewer District.

Upon communication from GHD Consulting Engineers, LLC, dated January 14, 2014, the County was informed that GHD Consulting Engineers, LLC has reorganized in New York State to operate as GHD Consulting Services Inc. GHD Consulting Engineers, LLC has requested that the County approve the assignment of Agreement No. 03-941, dated September 6, 2004, to GHD Consulting Services Inc. The same principals and staff shall be assigned to complete the work, thus guaranteeing continuity to the project.

Authority is hereby requested of your Honorable Board to consent to the assignment of Agreement No. 03-941, dated September 6, 2004, from GHD Consulting Engineers, LLC to GHD Consulting Services Inc., One Remington Park Drive, Cazenovia, New York 13035 effective as of the date of execution of the assignment.

In addition, Phase II of the Pump Station Rehabilitation Program, which includes the Woodbine Pump Station and Magnolia Pump Station (both in the New Rochelle Sewer District), is currently under construction. Due to the additional work required to protect equipment from future flooding based on the effects of Superstorm Sandy, and the necessary repair and/or replacement of existing fittings in unusable condition which could not be determined during design, construction has been delayed by approximately three (3) months. Construction of the Woodbine and Magnolia Pump Stations is now expected to be complete by January 31, 2014.

Authority of your Honorable Board is therefore requested to further amend the existing Agreement to provide for additional construction administration services and design services during construction for the additional time during which construction activities have been extended in connection with the Phase II - Pump Station Rehabilitation Program in the New Rochelle Sewer District. Phase II of this Rehabilitation Program includes the Woodbine Pump Station and Magnolia Pump Station, both located in the New Rochelle Sewer District. 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 Department of Public Works and Transportation will track scheduling and accomplishments by the consultant and perform on-site inspections to ensure the successful completion of this project.

The objective of this project is to upgrade and rehabilitate pump stations in the New Rochelle Sewer District. These stations suffer significant wear and tear due to use and require rehabilitation every 15 to 20 years. This program will ensure the continued use of these stations into the future. Neglecting to upgrade these critical facilities may result in future failures, including the occurrence of a sewage overflow emergency that could allow sewage into the surrounding properties and cause violations of the County's State Pollutant Discharge Elimination System (SPDES) Permit. This agreement will benefit the public as it will ensure that the County's operations are safe and environmentally compliant, thereby enhancing the health and general welfare of County residents.

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 \$93,000.00 pursuant to an approved budget, bringing the total Agreement plus Amendments to \$4,400,924.00. The completion date of the Agreement shall remain December 31, 2017.

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 County of Westchester is hereby authorized to consent to the assignment of Agreement No. 03-941, dated September 6, 2004, for engineering services in connection with the Pump Station Rehabilitation Program of Various Locations in Westchester County, New York, from GHD Consulting Engineers, LLC to GHD Consulting Services Inc., One Remington Park Drive, Cazenovia, New York 13035, effective as of the date of execution of the assignment; and be it further

RESOLVED, that as a condition for the granting of the County's consent to this assignment, GHD Consulting Services Inc. will comply with all contract provisions, and be it further

RESOLVED, that the existing Agreement between the County of Westchester and GHD Consulting Services Inc., One Remington Park Drive, Cazenovia, New York 13035, be amended to provide for additional construction administration services and design services during construction for the additional time during which construction activities have been extended in connection with the Phase II - Pump Station Rehabilitation Program in the New Rochelle Sewer District. Phase II of this Rehabilitation Program includes the Woodbine Pump Station and Magnolia Pump Station, both located in the New Rochelle Sewer District. 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 this phase of this multi-phase project, GHD Consulting Services Inc., shall be paid a fee of \$93,000.00 pursuant to an approved budget, increasing the total maximum fee to \$4,400,924.00; 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.

JTP/LR/AS

Original Agreement	\$	1,614,324.00	(Phase I Design & Const. Admin. Services)
First Amendment		1,372,600.00	(Phase II Design & Const. Admin. Services)
Second Amendment		1,181,000.00	(Phase III Design & Const. Admin. Services)
Third Amendment		140,000.00	(Phase II Continued CA Services and Design Services During Construction)
This Amendment		93,000.00	(Phase II Additional CA Services and Design Services During Construction)
TOTAL	\$	4,400,924.00	

RESOLUTION

Agreement No. 03-941

Account to be Charged/Credited

Woodbine Pump Sta.
Magnolia Pump Sta.

Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub Object	Trust Account	Dollars
322	60	SNR75071	6120-05		\$ 46,500.00
322	60	SNR75081	6120-05		\$ 46,500.00

Budget Funding Year(s): 2014 Start Date: 01/14/14 End Date: 12/31/17
(must match resolution)

Funding Source: Tax Dollars: 100% District Contractor Federal I.D. No./
State Aid: _____ Social Security No.: _____
\$ 93,000.00 Federal Aid: _____ Vendor No.: _____
(must match resolution) Other: _____ Encumbrance No.: _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 02/20/2014 - JOMARY WEIRA, SECRETARY