

38383

To: Board of Acquisition and Contract

From: Jay T. Pisco, P.E.
Commissioner of Public Works and Transportation

Date: February 11, 2014

Re: **Authority for the County of Westchester, acting by and through its Department of Public Works and Transportation (the "Department"), to execute an agreement consenting to the assignment of Agreement No. 03-926 with GHD Consulting Engineers, LLC to GHD Consulting Services Inc.**

Pursuant to a Resolution approved on November 26, 2003, the County of Westchester ("County") entered into Agreement No. 03-926 (the "Agreement") with Stearns & Wheler, LLC ("Consultant"), One Remington Park Drive, Cazenovia, New York 13035, commencing on December 15, 2003, wherein the Consultant was to provide engineering services associated with the Odor Control Improvements and Pump Upgrade at the North Yonkers Pump Station, Yonkers, New York. The Agreement was thereafter amended by Resolution approved May 4, 2006, for additional engineering services associated with the Pumping Station Upgrade and Electrical Equipment Upgrade at the North Yonkers Pump Station. The Agreement was thereafter further amended by Resolution approved December 22, 2009, to extend the term until May 31, 2011. The Agreement was thereafter further amended by Resolution approved August 18, 2011, to extend the term until December 31, 2011. The Agreement was thereafter further amended by Resolution approved April 5, 2012, to (1) change the name of the Consultant to GHD Consulting Engineers, LLC; and (2) provide for continued design services during construction and continued construction administration services in connection with the Odor Control Improvements and Electrical Equipment Upgrade at the North Yonkers Pump Station. The Agreement was thereafter further amended by Resolution approved April 11, 2013, to extend the term until December 31, 2013. The Agreement was thereafter further amended by Resolution approved February 6, 2014, to extend the term until December 31, 2014.

The Department was notified by way of a letter dated January 14, 2014 that "GHD Consulting Engineers, LLC has reorganized in New York State to operate as GHD Consulting Services Inc." In this regard, it was requested in the aforesaid letter that the County consent to the assignment of Agreement No. 03-926 between GHD Consulting Engineers, LLC and the County, to GHD Consulting Services Inc. Therefore, GHD Consulting Services Inc. would assume all of the rights and obligations under Agreement No. 03-926.

The attached Resolution, if approved by your Honorable Board, would authorize the County to execute an agreement consenting to the assignment of Agreement No. 03-926 from GHD Consulting Engineers, LLC to GHD Consulting Services Inc. effective as of the date of execution of the assignment.

The objective of this assignment is in the County's best interest because it will provide for uninterrupted consulting services pursuant to Agreement No. 03-926 for the Department project contained therein.

The Department shall continue to track and monitor the progress of the Agreement.

Accordingly, your favorable action on the annexed Resolution is most respectfully urged and recommended.

RESOLUTION

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

RESOLVED, that the County of Westchester (“County”) is hereby authorized to consent to the assignment of Agreement No. 03-926, dated December 18, 2003, and as subsequently amended, for engineering services in connection with the Odor Control Improvements, Pumping Station Upgrade and Electrical Equipment Upgrade at the North Yonkers Pump Station, Yonkers, 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 all other terms and conditions of Agreement No. 03-926 shall remain in full force and effect; and be it further

RESOLVED, that the County Executive or his authorized designee is hereby authorized to execute all instruments necessary to implement this Resolution.

Agreement No. 03-926

Account to be Charged/Credited

Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
322	60	SPS0100E	6120-03		
322	60	SPS0400I	6120-05		

Budget Funding Year(s) 2014 Start Date Upon Execution End Date 12/31/14
 (must match resolution)

Funding Source: Tax Dollars _____

State Aid _____

\$ _____ Federal Aid _____
 (must match resolution)

Other _____