

50837

TO: Board of Acquisition and Contract

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

DATE: February 2, 2016

SUBJECT: FIRST AMENDMENT TO AGREEMENT NO. 15-918
Authority to Enter into an Agreement with the State of New York
For the Rehabilitation of the Ashford Avenue Bridge over Saw Mill River Parkway, South County
Trailway, Elm Street, I-87 and the Saw Mill River (BINs 5348380 & 534838A), Villages of Ardsley
and Dobbs Ferry, Westchester County, New York

On April 9, 2015, your Honorable Board authorized the County of Westchester to enter into an Agreement with the State of New York, wherein NYSDOT shall provide Federal funds in a sum not to exceed \$5,393,792.00 and State Marchiselli funds not to exceed \$660,375.00 resulting in a net County share for eligible costs of \$20,905,833.00 for the Rehabilitation of the Ashford Avenue Bridge over Saw Mill River Parkway, South County Trailway, Elm Street, I-87 and the Saw Mill River (BINs 5348380 & 534838A), Villages of Ardsley and Dobbs Ferry, Westchester County, New York.

Authority is now requested for the County of Westchester to amend the existing Agreement with the State of New York, wherein the State shall provide additional Federal funds in a sum not to exceed \$2,908,800.00 and reduce the overall County share of this project by a corresponding amount. Upon execution of this amendment, Legislation will be submitted to the Board of Legislators to reduce the Bonding Authority for Bond Act #42-2014 by \$2,908,800.00.

Upon passage of the 2017 New York State Budget, the 2017 County Capital Budget and subsequent amendment of this Agreement, the County share may be further reduced with the award of \$545,000.00 in State Marchiselli funds.

This bridge rehabilitation project is in the public's best interest in that successful completion of the project will increase motorist safety through the rehabilitation of a substandard bridge. Likewise, the use of Federal funds reduces the impacts of this project on the local tax base. Energy and environmental effects are positive as closure of the bridge would result in significant detours and congestion.

The County is responsible for undertaking all phases, including the payment in the first instance of one hundred (100) percent of the Federal and non-federal funds for the preliminary engineering, detailed design, right-of-way acquisition, construction and construction inspection phases of this project, following Federal and New York State guidelines and procedures to insure reimbursement.

The Congress of the United States has provided for the apportionment of Federal Aid Highway funds to the State for the purposes of carrying out Federal Aid Highway Projects pursuant to the applicable sections of Title 23, US Code, as amended, and the New York State Highway Law authorizes the Commissioner of Transportation of the State of New York to use monies of the Federal Government available under the Federal Aid Highway Acts and provides for the consent to and approval by Westchester County of any project under the Federal Aid Highway Program which is not on the State Highway System.

This Department will track scheduling and accomplishments during construction to insure the successful completion of this project.

The proposed form of Resolution to accomplish the foregoing is attached hereto.

RESOLUTION

Upon communication from the Commissioner of Public Works and Transportation,

WHEREAS, the County shall be responsible for undertaking the preliminary engineering, detailed design, right-of-way acquisition, construction and construction inspection phases for the Rehabilitation of the Ashford Avenue Bridge over Saw Mill River Parkway, South County Trailway, Elm Street, I-87 and the Saw Mill River (BINs 5348380 & 534838A), Villages of Ardsley and Dobbs Ferry, Westchester County, New York, following Federal and New York State guidelines and procedures; and

WHEREAS, the Congress of the United States has provided for the apportionment of Federal Aid Highway funds to the State for the purposes of carrying out Federal Aid Highway Projects pursuant to the applicable sections of Title 23, US Code, as amended; and the New York State Highway Law authorizes the Commissioner of Transportation of the State of New York to use monies of the Federal Government available under the Federal Aid Highway Acts and provides for the consent to and approval by Westchester County of any project under the Federal Aid Highway Program which is not on the State Highway System; and

WHEREAS, the County of Westchester is responsible for the first instance of all funds, to progress this project through the various stages following Federal and New York State guidelines and procedures to insure reimbursement; now, therefore be it

RESOLVED, that the County of Westchester be, and hereby is authorized to amend the Agreement with the State of New York, acting by and through the New York State Department of Transportation, for the Rehabilitation of the Ashford Avenue Bridge over Saw Mill River Parkway, South County Trailway, Elm Street, I-87 and the Saw Mill River (BINs 5348380 & 534838A), Villages of Ardsley and Dobbs Ferry, Westchester County, New York, wherein the State shall provide additional Federal funds in a sum not to exceed \$2,908,800.00 reducing the overall County share of the Project by a corresponding amount; and be it further

RESOLVED, that the County Executive or his duly appointed designee be, and hereby is, authorized to take such actions and execute such documents as may be necessary and appropriate to effect the purposes hereof.

Agreement	Total	Federal	State	County
Original Agreement (RB01Q, RB03K & RB03R):	\$26,960,000.00	\$ 5,393,792.00	\$660,375.00	\$20,905,833.00
1 st Amendment (RB01Q):	\$0	\$2,908,800.00	\$0	-\$2,908,800.00
TOTAL:	\$26,960,000.00	\$8,302,592.00	\$660,375.00	\$17,997,033.00

First Amendment to Agreement No. 15-918

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Bond Act No.	Dollars
	366	46	RB01Q00C	9633	N/A	\$2,908,800.00

Budget Funding Year(s) 2016 Start Date 05/01/2015 End Date 09/30/2020
 (must match resolution)

Funding Source:	Tax Dollars _____	Contractor Federal I.D. No./ Social Security No.: _____
	State Aid \$ <u>0.00</u>	
<u>\$2,908,800.00</u> (must match resolution)	Federal Aid \$ <u>2,908,800.00</u>	Vendor No.: <u>991642</u>
	Other _____	Encumbrance No.: _____