

52305

TO: Board of Acquisition and Contract
FROM: Thomas J. Lauro, PE
Acting Commissioner of Public Works and Transportation
DATE: June 28, 2016
SUBJECT: First Amendment to Agreement No. 11-907 in the matter of:

- (1) Amendment to change the name of the Consultant to Dvirka and Bartilucci Consulting Engineers, a Division of D&B Engineers and Architects, PC
- (2) Amendment for Engineering Services in connection with the Primary, Secondary, Heating and Chemical Handling Upgrades, Mamaroneck Wastewater Treatment Plant, Mamaroneck, New York

Consultant: **Dvirka and Bartilucci Consulting Engineers,
a Division of D&B Engineers and Architects, PC**

Amendment Amount: **\$614,493.55**

Subconsultant Approval: *KJM Construction Management, Inc.*

The County of Westchester ("County") entered into Agreement Number 11-907, dated June 3, 2011, with Dvirka and Bartilucci Consulting Engineers, A Division of William F. Cosulich Associates, PC ("Consultant"), 330 Crossways Park Drive, Woodbury, New York 11797, wherein the Consultant was to provide design services associated with the Primary, Secondary, Heating and Chemical Handling Upgrades, Mamaroneck Wastewater Treatment Plant, Mamaroneck, New York.

The Consultant recently advised the County that its name changed to Dvirka and Bartilucci Consulting Engineers, a Division of D&B Engineers and Architects, PC. Therefore, authority of your Honorable Board is requested to amend the existing Agreement to reflect the correct name of the Consultant.

During the ongoing design phase, the following issues have arisen which are outside of the scope of work included in the existing Agreement: (1) Investigation of potable water needs/study related to blower heat exchange; (2) Unforeseen instrumentation and control field reconnaissance to verify the status of numerous field wiring items not shown on as-built drawings; (3) Investigation into the firm pumping capacity of the intermediate pump system; (4) Develop design and specifications for the replacement of new electrical systems related to the intermediate pumps; (5) Revision to design services during construction to reflect the new scope of work and 18 month construction duration; and (6) Revised Engineer's Report submittal to meet current Westchester County Department of Health requirements.

Authority of your Honorable Board is therefore requested to amend the existing Agreement between the County and the Consultant to provide for additional engineering services in connection with the Primary, Secondary, Heating and Chemical Handling Upgrades, Mamaroneck Wastewater Treatment Plant, Mamaroneck, New York. The Consultant shall provide additional design services and construction administration services associated with this project that address tasks which are outside of the scope of work included in the existing Agreement. Additional design services shall include the preparation of

construction contract documents (drawings and specifications), construction cost estimates, any required addenda, and a 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 additional design services during construction consisting of shop drawing and submittal review, 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.

The objective of this project is to replace and upgrade process equipment associated with the primary, secondary, heating and chemical handling areas at the Mamaroneck Wastewater Treatment Plant. Work will include upgrading of primary and final effluent pumps, valves, piping, instrumentation and control panels, as well as replacement of chemical tanks and plant heating boilers along with all associated piping, valves and controls. The referenced primary system process equipment dates back to 1962 and the plant was upgraded to secondary treatment in 1982. Therefore, both the primary and secondary process equipment have reached the end of their useful lives and require replacement to ensure process reliability and environmentally compliant operation of the treatment plant. 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. 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 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 \$614,493.55 pursuant to an approved budget, bringing the total Agreement plus Amendment to \$1,172,117.55. The completion date of the Agreement shall be extended to December 31, 2020.

In addition, Dvirka and Bartilucci Consulting Engineers, a Division of D&B Engineers and Architects, PC, has requested the utilization of the following subconsultant: KJM Construction Management, Inc. (Construction Inspection Services), 240 Main Street, White Plains, New York 10601.

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.

Proposed form of Resolution to accomplish the foregoing is attached hereto.

RESOLUTION

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

RESOLVED, that the County of Westchester is hereby authorized to amend Agreement No. 11-907 with Dvirka and Bartilucci Consulting Engineers, A Division of William F. Cosulich Associates, PC (“Consultant”), 330 Crossways Park Drive, Woodbury, New York 11797, to change the name of the Consultant to Dvirka and Bartilucci Consulting Engineers, a Division of D&B Engineers and Architects, PC; and be it further

RESOLVED, that the existing Agreement between the County of Westchester and Dvirka and Bartilucci Consulting Engineers, a Division of D&B Engineers and Architects, PC, 330 Crossways Park Drive, Woodbury, New York 11797, be amended to provide for engineering services in connection with the Primary, Secondary, Heating and Chemical Handling Upgrades, Mamaroneck Wastewater Treatment Plant, Mamaroneck, New York. The Consultant shall provide additional design services and construction administration services associated with this project that address tasks which are outside of the scope of work included in the existing Agreement. Additional design services shall include the preparation of construction contract documents (drawings and specifications), construction cost estimates, any required addenda, and a 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 additional design services during construction consisting of shop drawing and submittal review, 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, Dvirka and Bartilucci Consulting Engineers, a Division of D&B Engineers and Architects, PC, shall be paid a fee of \$614,493.55 pursuant to an approved budget, increasing the total maximum fee to \$1,172,117.55; and be it further

RESOLVED, that the use of the following subconsultant also be approved: KJM Construction Management, Inc. (Construction Inspection Services), 240 Main Street, White Plains, New York 10601; and be it further

RESOLVED, that the completion date of the Agreement shall be extended to December 31, 2020; 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.

Original Agreement	\$	557,624.00	(Design Services)
This Amendment		614,493.55	(Additional Design Services & Construction Administration Services)
TOTAL	\$	1,172,117.55	

Agreement No. 11-907

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub Object	Bond Act No.	Dollars
<i>Design Services</i>	322	60	SM01600E	6120-03	BA# 71-2014	\$ 205,326.75
<i>CA Services</i>	322	60	SM01600I	6120-05	BA# 71-2014	409,166.80

Budget Funding Year(s): 2016 Start Date: 06/03/11 End Date: 12/31/20
 (must match resolution)

Funding Source: Tax Dollars: <u>100% County</u>	Contractor Federal I.D. No./
State Aid: _____	Social Security No.: _____
\$ <u>614,493.55</u> Federal Aid: _____	Vendor No.: _____
(must match resolution) Other: _____	Encumbrance No.: _____