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**TO:** Board of Acquisition and Contract

**FROM:** Hugh J. Greechan, Jr., PE  
Commissioner of Public Works and Transportation

**DATE:** February 20, 2018

**SUBJECT:** First Amendment to Agreement No. 13-905 in the matter of:

(1) Authorization for Ammann & Whitney Consulting Engineers, P.C. to Assign Agreement No. 13-905 to Louis Berger U.S., Inc.

(2) Amendment for Engineering Services in connection with the Rehabilitation of Bronx River Parkway Northbound Ramp Bridge over Bronx River Parkway to Cross County Parkway Westbound (BIN 3348999), Cities of Mount Vernon and Yonkers, New York

**Consultant:** Louis Berger U.S., Inc.  
**Amendment Amount:** \$50,000.00

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Pursuant to a Resolution approved on April 18, 2013, the County of Westchester ("County") entered into Agreement Number 13-905 with Ammann & Whitney Consulting Engineers, P.C. ("Consultant"), 411 Theodore Fremd Avenue, Suite 301, Rye, New York 10580, commencing on May 6, 2013, wherein the Consultant was to provide engineering services associated with the Rehabilitation of Bronx River Parkway Northbound Ramp Bridge over Bronx River Parkway to Cross County Parkway Westbound (BIN 3348999), Cities of Mount Vernon and Yonkers, New York.

Upon communication from Ammann & Whitney Consulting Engineers, P.C., dated February 12, 2018, the County was informed that Ammann & Whitney Consulting Engineers, P.C. has merged with Louis Berger U.S., Inc. effective May 5, 2017. Ammann & Whitney Consulting Engineers, P.C. has requested that the County approve the assignment of Agreement No. 13-905, dated May 6, 2013, to Louis Berger U.S., Inc. Therefore, Louis Berger U.S., Inc. would assume all of the rights and obligations under Agreement No. 13-905. 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. 13-905, dated May 6, 2013, from Ammann & Whitney Consulting Engineers, P.C. to Louis Berger U.S., Inc., 2500 Westchester Avenue, Suite 305, Purchase, New York 10577 effective as of the date of execution of the assignment.

This project is currently in design. The County has been satisfied with the overall quality of services provided to date by the Consultant. The existing steel girders of the bridge superstructure have an arch shape with substandard vertical clearance over the right and center lanes. The girders have been struck numerous times over the past few years by misdirected trucks which are prohibited from the Bronx River Parkway. Subsequent to the commencement of design, the County requested that the Consultant review the feasibility of modifying the structural steel to provide additional vertical clearance over the southbound roadway. The Consultant found that the structural steel can be modified to provide further vertical clearance, which will require additional design effort.

Board of Acquisition and Contract  
Agreement No. 13-905, First Amendment  
Rehabilitation of BRP Northbound Ramp Bridge over BRP to Cross County Parkway Westbound (BIN 3348999)  
Cities of Mount Vernon and Yonkers, New York  
Louis Berger U.S., Inc.  
Page 2

Authority of your Honorable Board is therefore requested to amend the existing Agreement to provide for additional design services which are outside of the scope of work of the existing Agreement. Additional design services shall include field investigations, the preparation of construction documents (plans and specifications), and construction cost estimates.

The objective of this project is to rehabilitate the Bronx River Parkway Northbound Ramp Bridge over Bronx River Parkway to Cross County Parkway Westbound (BIN 3348999). This work is necessary due to extensive deterioration of the bridge. The existing bridge was built in 1941 and has an annual average daily traffic count ("AADT") of 8,096. It is a single span steel rigid frame bridge approximately 127 feet long by 57 feet wide. This bridge has a condition rating of 4.45 as inspected in 2015 by the New York State Department of Transportation and requires rehabilitation to insure that it can remain a key component of the County's infrastructure, vital to the City of Mount Vernon and City of Yonkers. This rating system, using a scale of 1 ("hazardous") through 7 ("new"), is a weighted average of the condition of an evaluated bridge. A rating below 5 indicates that a bridge requires work and delay of this work shall result in the continued deterioration of the bridge. This agreement will benefit the public as it will enhance the functionality of the bridge structure ensuring its safe use by the public.

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 \$50,000.00 pursuant to an approved budget, bringing the total Agreement plus Amendment to \$280,000.00. The completion date of the Agreement shall be extended to December 31, 2021.

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. It is recognized and understood that the County shall evaluate the performance of this contract by the Consultant and shall use such evaluation in deciding to award future contracts to the Consultant.

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

HJG/PJA/KMR/AS

# 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. 13-905, dated May 6, 2013, for engineering services in connection with the Rehabilitation of Bronx River Parkway Northbound Ramp Bridge over Bronx River Parkway to Cross County Parkway Westbound (BIN 3348999), Cities of Mount Vernon and Yonkers, New York, from Ammann & Whitney Consulting Engineers, P.C. to Louis Berger U.S., Inc., 2500 Westchester Avenue, Suite 305, Purchase, New York 10577, 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, Louis Berger U.S., Inc. will comply with all contract provisions; and be it further

RESOLVED, that the Agreement, as assigned to Louis Berger U.S., Inc., be amended to provide for additional design services which are outside of the scope of work of the existing Agreement. Additional design services shall include field investigations, the preparation of construction documents (plans and specifications), and construction cost estimates; and be it further

RESOLVED, that for the additional design services to be rendered, Louis Berger U.S., Inc., shall be paid a fee of \$50,000.00 pursuant to an approved budget, increasing the total maximum fee to \$280,000.00; and be it further

RESOLVED, that the completion date of the Agreement shall be extended to December 31, 2021; 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	\$	230,000.00	(Design Services)
This Amendment		<u>50,000.00</u>	(Additional Design Services)
TOTAL	\$	280,000.00	

Agreement No. 13-905

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub Object	Bond Act No.	Dollars
	371	46	P002501E	6120-03	BA #59-2012	\$ 50,000.00

Budget Funding Year(s): 2018 Start Date: 05/06/13 End Date: 12/31/21  
(must match resolution)

Funding Source: Tax Dollars: 100% County Contractor Federal I.D. No./  
State Aid: \_\_\_\_\_ Social Security No.: \_\_\_\_\_  
\$ 50,000.00 Federal Aid: \_\_\_\_\_ Vendor No.: \_\_\_\_\_  
(must match resolution) Other: \_\_\_\_\_ Encumbrance No.: \_\_\_\_\_