

64355

**TO:** Board of Acquisition and Contract

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

**DATE:** July 25, 2018

**SUBJECT:** Request Authority to Obtain a Proposal and Negotiate a Fee with Dolph Rotfeld Engineering, P.C., in connection with Engineering Services for a Municipal Separate Storm Sewer Systems (“MS4”) Permit Compliance Plan, Various Locations, Westchester County, New York (#18-921)

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Authority of your Honorable Board is requested to obtain a proposal and to negotiate a fee in connection with engineering services for a Municipal Separate Storm Sewer Systems (“MS4”) Permit Compliance Plan, Various Locations, Westchester County, New York.

The objective of this project is to provide professional engineering services associated with a MS4 Permit Compliance Plan. The New York State Department of Environmental Conservation (“NYSDEC”) and Westchester County (“County”) are entering into an Order-on-Consent (NYSDEC Case No. R3-20170822-159; the “Order”) regarding the County’s non-compliance with the terms and conditions of the County’s MS4 Permit. So as to comply with the Order, the County shall:

- Develop a schedule to periodically inspect catch basins within the MS4
- Develop a checklist for the periodic inspection of maintenance facilities for the MS4
- Offer one stormwater training session to appropriate County staff
- Develop a map pursuant to Part VII.A.3.b of the MS4 Permit.
- Conduct an outfall reconnaissance inventory in compliance with Part VII.A.3.d of the MS4 Permit

Failure to undertake this project may result in a violation of NYSDEC regulations potentially resulting in significant financial penalties. This agreement will benefit the public as it enables the County to conduct its basic mission of providing proper stormwater management, thereby promoting public health policies and laws. Time is of the essence in order to achieve compliance with NYSDEC regulations as quickly as possible to minimize or avoid financial penalties.

Due to the urgency of this project, the First Deputy Commissioner of Public Works and Transportation requested that the accelerated consultant procurement procedure be followed to retain a consultant to provide the necessary engineering services for a MS4 Permit Compliance Plan. In accordance with the Accelerated Qualification and Selection Procedure as outlined in the Rules of the Professional Prequalification and Selections Boards (Act 144-1996, §3D), on July 19, 2018, a statement outlining the aforementioned reason requiring the accelerated procedure, the qualifications of the proposed firm and the scope of work for a MS4 Permit Compliance Plan, Various Locations, Westchester County, New York was submitted to the Chairman of the Professional Prequalification Board.

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The Chairman of the Professional Prequalification Board on July 19, 2018, agreed that the accelerated consultant procurement procedure was warranted. Subsequently, these items were reviewed and approved by the Chairman of the Professional Selection Board on July 19, 2018, and the firm was selected to perform said services. The firm is:

Dolph Rotfeld Engineering, P.C.  
200 White Plains Road  
Tarrytown, New York 10591

The above-mentioned firm has the expertise on similar projects, technical knowledge, staffing and is the best-qualified firm to accomplish this project in the timeframe allowed.

Dolph Rotfeld Engineering, P.C. is an engineering firm with significant experience in the planning, permitting, design, and construction of Municipal Separate Storm Sewer Systems, including those of immediate concern to the County. The firm has previously collaborated with a consortium of 16 municipalities and the NYSDEC on a MS4 Permit Compliance Plan.

It should be noted that this resolution only seeks authority to obtain a proposal and to negotiate a fee in connection with engineering services for the aforementioned work in order to both fully inform your Honorable Board of the expected consultant agreement and to demonstrate to the NYSDEC that the County has undertaken its commitments to fully comply with the Order. This resolution contains the following conditions that ensure compliance with the requirement that the currently unfunded portion of this contract be subject to future bonding approval by the Board of Legislators (“BOL”).

The Law Department is presently preparing legislation for a Capital Budget Amendment and to authorize funding for this capital project. Authorization to enter into an agreement will be submitted to your Honorable Board for approval after the Capital Budget Amendment and bonding authorization have been approved by the BOL and after satisfactory completion of negotiations with the consultant. No agreement will be executed until all applicable approvals have been received.

I recommend adoption of the attached proposed Resolution.

HJG/JJN/RSD/as

# RESOLUTION

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

**RESOLVED**, that approval is hereby granted to obtain a proposal and to negotiate a fee with Dolph Rotfeld Engineering, P.C., 200 White Plains Road, Tarrytown, New York 10591, for engineering services for a Municipal Separate Storm Sewer Systems (“MS4”) Permit Compliance Plan, Various Locations, Westchester County, New York; and be it further

**RESOLVED**, that the engineering services associated with this project are subject to future bonding approval by the Board of Legislators.

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Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub Object	Bond Act No.	Dollars
	318	19	BPL40-03-E	6120-03	<i>Future Bonding Authorization</i>	

Budget Funding Year(s): 2018 Start Date: N/A End Date: N/A  
 (must match resolution)

Funding Source: Tax Dollars: 100% County Contractor Federal I.D. No./ Social Security No.: \_\_\_\_\_  
 State Aid: \_\_\_\_\_  
 Federal Aid: \_\_\_\_\_ Vendor No.: \_\_\_\_\_  
 Other: \_\_\_\_\_ Encumbrance No.: \_\_\_\_\_