

64793

TO: Board of Acquisition and Contract

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

DATE: August 21, 2018

SUBJECT: Third Amendment (of a Multi-Phased Agreement) to Agreement No. 12-903 with Provident Design Engineering, PLLC in the matter of Engineering Services in connection with Storm Water Management Upgrades, Phase I – Engineering Design and Phase II – Final Design, Westchester County Airport, Towns of Harrison and North Castle and Village of Rye Brook, New York to extend the end date of the Agreement to December 31, 2020

Pursuant to a Resolution approved on August 16, 2012, the County of Westchester (“County”) entered into Agreement Number 12-903 (“Agreement”) with TRC Engineers, Inc. (“Consultant”), 7 Skyline Drive, Hawthorne, New York 10532, dated September 7, 2012, wherein the Consultant was to provide engineering services associated with Storm Water Management Upgrades, Phase I – Engineering Design, Westchester County Airport, Towns of Harrison and North Castle and Village of Rye Brook, New York. The original Agreement completion date was December 31, 2016.

The Agreement was thereafter amended by Resolution approved on February 4, 2016, to provide for engineering services in connection with Storm Water Management Upgrades, Phase II – Final Design, Westchester County Airport, Towns of Harrison and North Castle and Village of Rye Brook, New York. The Agreement fee was increased by an additional \$232,000.00 to an amended amount not-to-exceed \$568,600.00. The Agreement completion date was extended to December 31, 2018.

On October 27, 2016, your Honorable Board authorized the County to execute an agreement consenting to the assignment of the Agreement from TRC Engineers, Inc. to Provident Design Engineering, PLLC.

This project is currently in construction and the Consultant is providing design services during construction which includes shop drawing and submittal review, attendance at project meetings, periodic site visits, preparation of as-built drawings, and final construction closeout. The County has been satisfied with the overall quality of services provided to date by the Consultant. The permitting process for this project involved an extensive review required by the United States Army Corps of Engineers which delayed construction. It is anticipated that construction will extend beyond the current Consultant Agreement completion date. Therefore, the professional services of the Consultant will be required beyond December 31, 2018 in order to provide design services during construction.

Authority of your Honorable Board is therefore requested to amend the existing Agreement with the Consultant to extend the end date of the Agreement to December 31, 2020 with no increase in the not-to-exceed amount of \$568,600.00.

The objective of this term extension is in the County’s best interest as it will provide for uninterrupted professional services pursuant to the Agreement for the Department project contained herein.

Board of Acquisition and Contract
Agreement No. 12-903, Third Amendment
Storm Water Management Upgrades, Phase I – Engineering Design and Phase II – Final Design
Westchester County Airport
Provident Design Engineering, PLLC
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Except as specifically amended hereby, all other terms and conditions of the Agreement will remain the same. The original intent of this Agreement was to have the project performed in multiple phases as subsequent funding became available. The initial phase defined the scope of work and required budget for the subsequent phases of the project for which funding has been approved.

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/JA/as

RESOLUTION

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

RESOLVED, that the County of Westchester ("County"), acting by and through its Department of Public Works and Transportation, be and is hereby authorized to amend Agreement No. 12-903 ("Agreement") with Provident Design Engineering, PLLC, 7 Skyline Drive, Hawthorne, New York 10532, for the provision of engineering services associated with Storm Water Management Upgrades Phase I – Engineering Design and Phase II – Final Design, Westchester County Airport, Towns of Harrison and North Castle and Village of Rye Brook, New York by extending the term until December 31, 2020; and be it further

RESOLVED, that all other terms and conditions of the Agreement, including the not-to-exceed amount of \$568,600.00 shall remain the same; 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.

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|--------------------|-----------|-------------------|--------------------------------|
| Original Agreement | \$ | 336,600.00 | (Phase I – Engineering Design) |
| First Amendment | | 232,000.00 | (Phase II – Final Design) |
| Second Amendment | | 0.00 | (Assignment) |
| This Amendment | | 0.00 | (Term Extension) |
| TOTAL | \$ | 568,600.00 | |

Agreement No. 12-903

| Account to be Charged/Credited | Fund | Dept | Major Program, Program & Phase or Unit | Object/ Sub Object | Bond Act No. | Dollars |
|--------------------------------|------|------|--|--------------------|--------------|---------|
| | 361 | 44 | A042B-02-E | 6120-03 | N/A | \$ N/A |

Budget Funding Year(s): 2018 Start Date: 09/07/12 End Date: 12/31/20
 (must match resolution)

Funding Source: Tax Dollars: N/A Contractor Federal I.D. No./
 State Aid: _____ Social Security No.: _____
\$ N/A Federal Aid: _____ Vendor No.: _____
 (must match resolution) Other: _____ Encumbrance No.: _____