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TO: Board of Acquisition and Contract
FROM: Hugh J. Greechan, Jr., PE
Commissioner of Public Works and Transportation
DATE: December 18, 2018
SUBJECT: Seventh Amendment (of a Multi-Phased Agreement) to Agreement No. 05-901
In the matter of Engineering Services in connection with the
Long Island Sound Biological Nutrient Removal Improvements

Consultant: Engineers Consortium, LLP
Amendment Amount: \$4,400,992.00

Subconsultant Approval: Camp Dresser McKee & Smith

Authority of your Honorable Board is requested to amend existing Agreement Number 05-901 ("Agreement") between the County of Westchester ("County") and Engineers Consortium, LLP ("Consultant"), 3 Campus Drive, Pleasantville, New York 10570. The original Agreement dated April 22, 2005, was for engineering services in connection with the Nutrient Removal Program at the Blind Brook, Mamaroneck, New Rochelle, and Port Chester Wastewater Treatment Plants, Westchester County, New York.

The Agreement was thereafter amended pursuant to a Resolution approved April 17, 2008, to provide for design and construction administration services in connection with the Composite Performance Implementation and Plant Expansion, New Rochelle Wastewater Treatment Plant, New Rochelle, New York.

The Agreement was thereafter further amended pursuant to a Resolution approved September 4, 2008, to provide for the purchase, installation, and maintenance of flow monitoring equipment associated with the Sound Shore Flow Monitoring Program, Blind Brook, Port Chester, Mamaroneck and New Rochelle Sewer Districts.

The Agreement was thereafter further amended pursuant to a Resolution approved December 23, 2008, to provide for design, construction administration and post-construction services in connection with the Long Island Sound Biological Nutrient Removal Program, in compliance with the 2008 New York State Department of Environmental Conservation ("NYSDEC") Consent Order.

The Agreement was thereafter further amended pursuant to a Resolution approved December 10, 2009, to provide for: (1) Design and construction administration services regarding Biological Nutrient Removal Improvements at Blind Brook Wastewater Treatment Plant; (2) Design and construction administration services regarding a new Fine Screens Building at Mamaroneck Wastewater Treatment Plant; and (3) Providing assistance to Westchester County in the monthly applications for payment under the American Recovery and Reinvestment Act ("ARRA").

The Agreement was thereafter further amended pursuant to an amendment executed April 28, 2010, to: (1) Include certain non-discrimination language required in order to seek ARRA funding; and (2) Reflect savings that have been, and can be, realized through more efficient use of personnel and subcontractors.

The Agreement was thereafter further amended pursuant to a Resolution approved March 30, 2017, to provide for: (1) Design Services During Construction and Construction Administration Services for the Phase II Rotating Biological Contactor (“RBC”) Upgrade project which involves the retrofit of RBC Trains 5, 6, and 7 at Port Chester Water Resource Recovery Facility (also known as “Port Chester Wastewater Treatment Plant”); (2) Design Services During Construction and Construction Administration Services for the Phase IIB RBC Upgrade project which involves the retrofit of RBC Trains 1, 2, and 3 at Port Chester Water Resource Recovery Facility; (3) Design Services for the Phase IIIA new Denitrification Facility utilizing Biological Anoxic Filters and an open channel Ultra Violet light disinfection system at Port Chester Water Resource Recovery Facility; (4) Additional Design Services, Bidding Services, and Design Services During Construction for the Performance Enhancement project at New Rochelle Water Resource Recovery Facility (also known as “New Rochelle Wastewater Treatment Plant”); and (5) Construction Administration Services for the Plant Enhancement and Performance Enhancement projects at New Rochelle Water Resource Recovery Facility.

Construction of nitrogen removal facilities at the New Rochelle and Mamaroneck Water Resource Recovery Facilities (“WRRF”) was recently completed under a 2008 Consent Order between the County and the NYSDEC. The nitrogen removal facilities at Mamaroneck WRRF have been on line for more than 4 years, while the New Rochelle WRRF facilities have been on line for more than 3 years. Both plants are performing well and, as a result, the County has been complying with the Total Nitrogen limits imposed on its Long Island Sound WRRFs by the NYSDEC permits. A recent internal evaluation of the nitrogen removal facilities at both plants by the Department of Environmental Facilities (“DEF”) revealed some improvements that are necessary to ancillary facilities which will support the continued optimum performance of the plants in meeting the permit limits. As a result, DEF has requested additional engineering services from the Consultant.

It is requested that the existing Agreement be further amended to provide for engineering services in connection with the Long Island Sound Biological Nutrient Removal Improvements. This amendment includes the following components: (1) Additional Design Services, Bidding Services, Design Services During Construction, and Construction Administration Services for various system improvements at New Rochelle WRRF; (2) Additional Design Services, Bidding Services, Design Services During Construction, and Construction Administration Services for various system upgrades at Mamaroneck WRRF; and (3) Additional Design Services for the Ultra Violet light disinfection system at Port Chester WRRF. Design Services shall include the preparation of construction contract documents (plans 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. Design Services During Construction shall consist 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 effectuate the Long Island Sound Biological Nutrient Removal Improvements in order to reduce nitrogen levels within the Long Island Sound Shore sewer districts as mandated by state and federal standards. The work under this amendment is to be done at the New Rochelle, Mamaroneck, and Port Chester WRRFs. This work is necessary to maintain compliance with the 2008 NYSDEC Consent Order. This agreement will benefit the public as it will ensure that the Sound Shore sewer districts’ operations are safe and environmentally compliant.

The original intent of this Agreement was to have the engineering services performed in multiple phases as subsequent funding became available. The initial program management phase defined the scope of work and the required budget for the subsequent phases of this project for which funding has been approved.

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 \$4,400,992.00 pursuant to an approved budget, bringing the total Agreement plus Amendments to \$87,176,282.00. The completion date of the Agreement shall be extended to December 31, 2023.

In addition, Engineers Consortium, LLP has requested the utilization of the following subconsultant: Camp Dresser McKee & Smith (Electrical Engineering Design Services), 60 Crossways Park West, Suite 340, Woodbury, New York 11797.

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.

HJG/LR/AS

RESOLUTION

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

RESOLVED, that the existing Agreement Number 05-901 (“Agreement”) between the County of Westchester (“County”) and Engineers Consortium, LLP (“Consultant”), 3 Campus Drive, Pleasantville, New York 10570, be further amended to provide for engineering services in connection with the Long Island Sound Biological Nutrient Removal Improvements. This amendment includes the following components: (1) Additional Design Services, Bidding Services, Design Services During Construction, and Construction Administration Services for various system improvements at New Rochelle WRRF; (2) Additional Design Services, Bidding Services, Design Services During Construction, and Construction Administration Services for various system upgrades at Mamaroneck WRRF; and (3) Additional Design Services for the Ultra Violet light disinfection system at Port Chester WRRF. Design Services shall include the preparation of construction contract documents (plans 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. Design Services During Construction shall consist 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 in accordance with the Consultant’s proposal for the current phase of this multi-phase project, Engineers Consortium, LLP, shall be paid a fee of \$4,400,992.00 pursuant to an approved budget, increasing the total maximum fee to \$87,176,282.00; and be it further

RESOLVED, that the use of the following subconsultant also be approved: Camp Dresser McKee & Smith (Electrical Engineering Design Services), 60 Crossways Park West, Suite 340, Woodbury, New York 11797; and be it further

RESOLVED, that the completion date of the Agreement shall be extended to December 31, 2023; 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	\$ 5,919,000.00	(Pilot Program/Engineering Plan – SBB91/SM092/SNR93/SPC94)
First Amendment	27,496,000.00	(Composite Performance Implementation/Plant Expansion, NR WWTP – SNR06)
Second Amendment	4,550,000.00	(Sound Shore Flow Monitoring Program – SW070)
Third Amendment	37,800,000.00	(Long Island Sound ENR Program – SLI01)
Fourth Amendment	1,367,990.00	(Long Island Sound BNR Improvements – SLI01/SLI03)
Fifth Amendment	0.00	(ARRA Language and Project Savings)
Sixth Amendment	5,642,300.00	(Long Island Sound BNR Improvements – SLI01/SNR06/SPC02)
This Amendment	<u>4,400,992.00</u>	(Long Island Sound BNR Improvements – SLI01/SNR06)
TOTAL	<u>\$ 87,176,282.00</u>	

Agreement No. 05-901

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub Object	Bond Act No.	Dollars
	322	60	SLI01-00-E	6120-03	BA #195-2014	\$ 2,553,070.00
	322	60	SLI01-00-I	6120-05	BA #195-2014	\$ 597,480.00
	322	60	SNR06-02-E	6120-03	BA #70-2009	\$ 686,962.00
	322	60	SNR06-03-I	6120-05	BA #70-2009	\$ 563,480.00

Budget Funding Year(s): 2019 Start Date: 04/22/05 End Date: 12/31/23
 (must match resolution)

Funding Source: Tax Dollars: 100% County Contractor Federal I.D. No./
 State Aid: _____ Social Security No.: _____
\$ 4,400,992.00 Federal Aid: _____ Vendor No.: _____
 (must match resolution) Other: _____ Encumbrance No.: _____