

69385

**TO:** Board of Acquisition and Contract

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

**DATE:** April 30, 2019

**SUBJECT:** Request Authority to Obtain a Proposal and Negotiate a Fee with Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services, D.P.C. (*WBE*), in connection with Engineering Services for Tide Gate Replacements and Regulator Improvements, North Yonkers, Central Yonkers, and South Yonkers Sanitary Sewer Districts, Yonkers, New York (#19-911)

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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 Tide Gate Replacements and Regulator Improvements, North Yonkers, Central Yonkers, and South Yonkers Sanitary Sewer Districts, Yonkers, New York.

The objective of this project is to provide professional engineering services associated with Tide Gate Replacements and Regulator Improvements. The Department of Environmental Facilities has advised that it owns and operates five (5) tide gate regulators in the combined sewer area in the City of Yonkers. The tide gates have developed excess leakage causing excessive river water entering the combined sewer system at high tide. In addition, these tide gates are subject to debris interfering with their operation, requiring County personnel to manually clean the tide gates to allow for their operation. The tide gates are located as follows:

- Outfall 008 – Lamartine Avenue
- Outfall 010 – Ashburton Avenue
- Outfall 018 – Pier Street
- Outfall 022 – Main Street
- Outfall 025 – Wells Avenue

On February 13, 2019, the United States Environmental Protection Agency (“EPA”) conducted a Compliance Evaluation Inspection which identified deficiencies with these tide gates and subsequently on March 21, 2019, issued an Administrative Compliance Order (CWA-02-2019-3021) that indicates that the repair and/or replacement of all tide gates must be completed no later than December 31, 2020.

Failure to undertake this project may result in a violation of EPA 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 sanitary sewage collection, thereby promoting public health policies and laws. Time is of the essence in order to achieve compliance with EPA regulations as quickly as possible to minimize or avoid financial penalties.

Board of Acquisition and Contract

Agreement No. 19-911

Tide Gate Replacements and Regulator Improvements

North Yonkers, Central Yonkers, and South Yonkers Sanitary Sewer Districts, Yonkers, New York

Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services, D.P.C.

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Due to the urgency of this project, the Commissioner of the Department of Environmental Facilities requested that the accelerated consultant procurement procedure be followed to retain a consultant to provide the necessary engineering services for Tide Gate Replacements and Regulator Improvements in the City of Yonkers. 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 April 19, 2019, a statement outlining the aforementioned reason requiring the accelerated procedure, the qualifications of the proposed firm and the scope of work for Tide Gate Replacements and Regulator Improvements, North Yonkers, Central Yonkers, and South Yonkers Sanitary Sewer Districts, Yonkers, New York was submitted to the Chairman of the Professional Prequalification Board.

The Chairman of the Professional Prequalification Board on April 19, 2019, 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 April 22, 2019, and the firm was selected to perform said services. The firm is:

Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services, D.P.C.  
217 Montgomery Street, Suite 1000  
Syracuse, New York 13202

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.

Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services, D.P.C. is an engineering firm with significant experience in the planning, permitting, design, and construction of tide gates and sanitary sewage collection systems, including those of immediate concern to the County. It shall also be noted that the firm is certified with the State of New York as a women business enterprise ("WBE").

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 that the County has undertaken its commitments to fully address the EPA Administrative Compliance 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").

This project was approved by the County Planning Board on May 7, 2019. County staff is presently preparing legislation for a Capital Budget Amendment and to authorize the issuance of debt 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/LR/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 Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services, D.P.C., 217 Montgomery Street, Suite 1000, Syracuse, New York 13202, for engineering services for Tide Gate Replacements and Regulator Improvements, North Yonkers, Central Yonkers, and South Yonkers Sanitary Sewer Districts, Yonkers, New York; and be it further

RESOLVED, that a contract award for the engineering services associated with this resolution are subject to the Board of Legislators authorizing a Capital Budget Amendment and the issuance of debt for this capital project.

Agreement No. 19-911

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub Object	Bond Act No.	Dollars
	322	60	SY031-01-E	6120-03	<i>Future Bonding Authorization</i>	
	322	60	SY031-01-I	6120-05	<i>Future Bonding Authorization</i>	

Budget Funding Year(s): 2019 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.: \_\_\_\_\_