

70675

TO: Board of Acquisition and Contract
FROM: Hugh J. Greechan, Jr., PE
Commissioner of Public Works and Transportation
DATE: July 16, 2019
SUBJECT: Authority to Enter into Agreement #19-911
In the matter of Engineering Services in connection with
Tide Gate Replacements and Regulator Improvements,
North Yonkers, Central Yonkers, and South Yonkers Sanitary Sewer Districts,
Yonkers, New York

Consultant: Environmental Design & Research, Landscape Architecture,
Engineering & Environmental Services, D.P.C. (WBE)

Agreement Amount: \$697,900.00

Subconsultant Approval: C.T. Male Associates, Engineering, Surveying, Architecture,
Landscape Architecture & Geology, D.P.C.
KJM Construction Management, Inc.

Authority of your Honorable Board is requested for the County of Westchester ("County") acting by and through its Department of Public Works and Transportation ("Department") to enter into Agreement No. 19-911 ("Agreement") with Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services, D.P.C. ("Consultant"), a WBE firm, 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 Consultant shall provide design and construction administration services associated with this project. Design services shall include the preparation of construction contract documents (drawings 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. In addition, the Consultant shall provide design services during construction consisting 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 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:

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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- 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.

In accordance with the Accelerated Qualification and Selection Procedure as outlined in the Rules of the Professional Prequalification and Selection Boards (Act 144-1996, §3D), on April 19, 2019, a statement outlining the reason requiring the accelerated procedure, the qualifications of the proposed firm and the scope of work 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.

By Resolution approved May 16, 2019, your Honorable Board authorized the County to negotiate with the firm of Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services, D.P.C., 217 Montgomery Street, Suite 1000, Syracuse, New York 13202, and a proposal was submitted for engineering services for Tide Gate Replacements and Regulator Improvements, North Yonkers, Central Yonkers, and South Yonkers Sanitary Sewer Districts, Yonkers, New York, for a total fee of \$697,900.00, pursuant to an approved budget.

In addition, the Consultant, has requested the utilization of the following subconsultants: C.T. Male Associates, Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C. (Land Surveying Services), 50 Century Hill Drive, Latham, New York 12110; and KJM Construction Management, Inc. (Construction Administration Services), 2818 Bennington Drive, Fishkill, New York 12524.

The Department 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:

RESOLVED, that approval for the County of Westchester ("County") acting by and through its Department of Public Works and Transportation ("Department") is hereby granted to enter into Agreement No. 19-911 ("Agreement") with the firm of Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services, D.P.C. ("Consultant"), a WBE firm, 217 Montgomery Street, Suite 1000, Syracuse, New York 13202, for engineering services associated with Tide Gate Replacements and Regulator Improvements, North Yonkers, Central Yonkers, and South Yonkers Sanitary Sewer Districts, Yonkers, New York. The Consultant shall provide design and construction administration services associated with this project. Design services shall include the preparation of construction contract documents (drawings 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. In addition, the Consultant shall provide design services during construction consisting 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 services rendered in accordance with the Consultant's proposal, a total compensation of \$697,900.00 shall be provided, pursuant to an approved budget; and be it further

RESOLVED, that the use of the following subconsultants also be approved: C.T. Male Associates, Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C. (Land Surveying Services), 50 Century Hill Drive, Latham, New York 12110; and KJM Construction Management, Inc. (Construction Administration Services), 2818 Bennington Drive, Fishkill, New York 12524; and be it further

RESOLVED, that the Agreement shall commence upon the Consultant's receipt of written notice from the Commissioner of Public Works and Transportation or his designee and that the completion date shall be December 31, 2021, 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.

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	BA #116-2019	\$ 490,700.00
	322	60	SY031-01-I	6120-05	BA #116-2019	\$ 207,200.00

Budget Funding Year(s): 2019 Start Date: 08/08/19 End Date: 12/31/21
 (must match resolution)

Funding Source: Tax Dollars: 100% County Contractor Federal I.D. No./
 State Aid: _____ Social Security No.: _____
\$697,900.00 Federal Aid: _____ Vendor No.: _____
 (must match resolution) Other: _____ Encumbrance No.: _____