

73190

TO: Board of Acquisition and Contract
FROM: Hugh J. Greechan, Jr., PE
Commissioner of Public Works and Transportation
DATE: December 31, 2019
SUBJECT: First Amendment to Agreement No. 14-940
In the matter of Engineering Services in connection with the Outfall Jetty Rehabilitation,
Mamaroneck Wastewater Treatment Plant, Mamaroneck, New York

Consultant: **Dvirka and Bartilucci Consulting Engineers,
a Division of D&B Engineers and Architects, P.C.**

Amendment Amount: **\$495,200.00**

Subconsultant Approval: *Nasco Construction Services, Inc. (WBE)
Terry Bergendorff Collins Land Surveying, PLLC (WBE)*

Authority of your Honorable Board is requested to amend existing Agreement Number 14-940 (“Agreement”) between the County of Westchester (“County”) and Dvirka and Bartilucci Consulting Engineers, a Division of D&B Engineers and Architects, P.C. (“Consultant”), 330 Crossways Park Drive, Woodbury, New York 11797. The original Agreement dated November 7, 2014, was for design and construction administration services associated with the Outfall Jetty Rehabilitation, Mamaroneck Wastewater Treatment Plant, Mamaroneck, New York. The original Agreement completion date is December 31, 2019.

The engineering services included in the original Agreement have been in progress. The County has been satisfied with the quality of services provided to date. The Consultant has developed several options for the proposed work that have been reviewed by the County as the basis for final design. Several additional tasks have been identified that are not included in the existing Agreement which involve additional design services in order to satisfy additional project requirements enacted by the United States Army Corps of Engineers (“USACOE”), New York State Department of Environmental Conservation (“NYSDEC”), and Village of Mamaroneck. Construction work for this project is anticipated to take twenty-four (24) months for completion and is scheduled to begin in the near future. The original Agreement only included fourteen (14) months for design services during construction. An additional ten (10) months for design services during construction and construction administration services are required at this time.

It is therefore requested that the existing Agreement be amended, retroactively from December 31, 2019, to provide for engineering services in connection with the Outfall Jetty Rehabilitation, Mamaroneck Wastewater Treatment Plant, Mamaroneck, New York. The Consultant shall provide additional design and construction administration services associated with this project that are outside of the scope of work included in the existing Agreement. Additional 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 additional 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 will be to rehabilitate the outfall jetty along Long Island Sound at the Mamaroneck Wastewater Treatment Plant ("MWWTP"). Plant effluent is conveyed through a 54-inch diameter outfall pipe that leaves the east side of the MWWTP and travels through Harbor Island Park. At the eastern edge of the park, a jetty with bulkhead was created to act as a retaining structure where the outfall piping passes through the harbor and proceeds about one half mile before discharging into Long Island Sound. The bulkhead was originally constructed around 1930 by the Westchester County Sanitary Sewer Commission and was substantially rebuilt in 1966, whereby a section of original steel sheet bulkhead was removed down to the harbor bottom and the section below grade left in place. New steel sheet piling was installed further inward to create a narrow landform over the outfall piping. The steel sheet piling has significantly degraded over the past 53 years that it has been in service and is in need of rehabilitation. This work is necessary to provide improved sanitary facilities that are in compliance with all applicable regulations. This agreement will benefit the public as it avoids potential adverse environmental impact to the surrounding properties, thereby promoting public health policies and laws.

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 \$495,200.00 pursuant to an approved budget, bringing the total Agreement plus Amendment to \$989,898.00. The completion date of the Agreement shall be extended to December 31, 2024.

In addition, the Consultant has requested the utilization of the following subconsultants: Nasco Construction Services, Inc., a WBE firm, for Construction Cost Estimating Services, 200 Business Park Drive, Armonk, New York 10504; and Terry Bergendorff Collins Land Surveying, PLLC, a WBE firm, for Land Surveying Services, 52 Starr Ridge Road, Brewster, New York 10509.

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

First Amendment to Agreement No. 14-940

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

RESOLVED, that the existing Agreement No. 14-940 (“Agreement”) between the County of Westchester (“County”) and Dvirka and Bartilucci Consulting Engineers, a Division of D&B Engineers and Architects, P.C. (“Consultant”), 330 Crossways Park Drive, Woodbury, New York 11797, be amended retroactively from December 31, 2019 to provide for engineering services in connection with the Outfall Jetty Rehabilitation, Mamaroneck Wastewater Treatment Plant, Mamaroneck, New York. The Consultant shall provide additional design and construction administration services associated with this project that are outside of the scope of work included in the existing Agreement. Additional 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 additional 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 the additional services rendered in accordance with the Consultant’s proposal, Dvirka and Bartilucci Consulting Engineers, a Division of D&B Engineers and Architects, P.C., shall be paid a fee of \$495,200.00 pursuant to an approved budget, increasing the total maximum fee to \$989,898.00; and be it further

RESOLVED, that the use of the following subconsultants also be approved: Nasco Construction Services, Inc., a WBE firm, for Construction Cost Estimating Services, 200 Business Park Drive, Armonk, New York 10504; and Terry Bergendorff Collins Land Surveying, PLLC, a WBE firm, for Land Surveying Services, 52 Starr Ridge Road, Brewster, New York 10509; and be it further

RESOLVED, that the completion date of the Agreement shall be extended to December 31, 2024; and be it further

RESOLUTION

RESOLVED, that all other provisions of the existing Agreement shall remain in full force and effect; 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.

Original Agreement	\$	494,698.00	(Design and Construction Administration Services)
This Amendment		495,200.00	(Additional Design and Construction Administration Services)
TOTAL	\$	989,898.00	

Agreement No. 14-940, First Amendment

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub Object	Bond Act No.	Dollars
	322	60	SM002-01-E	6120-03	BA #66-2014	\$296,000.00
	322	60	SM002-01-I	6120-05	BA #66-2014	\$199,200.00

Budget Funding Year(s): 2020 Start Date: 11/07/14 End Date: 12/31/24
 (must match resolution)

Funding Source: Tax Dollars: 100% County Contractor Federal I.D. No./
 State Aid: _____ Social Security No.: _____
\$495,200.00 Federal Aid: _____ Vendor No.: _____
 (must match resolution) Other: _____ Encumbrance No.: _____