

73948

TO: Board of Acquisition and Contract
FROM: Hugh J. Greechan, Jr., PE
Commissioner of Public Works and Transportation
DATE: January 14, 2020
SUBJECT: Fifth Amendment (of a Multi-Phased Agreement) to Agreement No. 09-937
In the matter of Engineering Services in connection with the
HVAC Equipment Upgrades and Odor Control Improvements,
Yonkers Joint Wastewater Treatment Plant, Yonkers, New York

Consultant: Camp Dresser McKee & Smith
Amendment Amount: \$1,321,675.00

Subconsultant Approval: Land, Air, Water Environmental Services, Inc. (WBE)
Nasco Construction Services, Inc. (WBE)

Pursuant to a Resolution approved on October 22, 2009, the County of Westchester ("County") entered into Agreement Number 09-937 ("Agreement") with Camp Dresser & McKee ("Consultant"), 60 Crossways Park West, Suite 340, Woodbury, New York 11797, commencing on November 1, 2009, wherein the Consultant was to provide design services and construction administration services associated with the HVAC Equipment Upgrades and Odor Control Improvements at the Yonkers Joint Wastewater Treatment Plant in Yonkers, New York (the "project"). The Agreement was thereafter amended by Resolution approved May 24, 2012, for additional design services and construction administration services associated with the project. The Agreement was thereafter further amended by Resolution approved April 24, 2014, to change the name of the Consultant to Camp Dresser McKee & Smith and for additional design services and construction administration services associated with the project. The Agreement was thereafter further amended by Resolution approved September 13, 2016, for additional design services and construction administration services associated with the project and to extend the term of the Agreement to December 31, 2021. The Agreement was thereafter further amended by Resolution approved July 20, 2017, for study services associated with the project.

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. This project is being done in multiple phases. Phases I, II, and III are substantially complete and the design of Phase IV was completed in 2014. The bidding for Phase IV was placed on hold in 2014 while funding was appropriated and the Gravity Belt Thickener ("GBT") project was completed under Capital Project SY025. With the appropriate funding secured and the GBT project nearing completion, the County would now like to bid and initiate the construction for Phase IV. Although the design for Phase IV was completed in 2014, the County has requested that additional scope items be added to the project. Additionally, the design requires coordination with the Dissolved Air Flotation ("DAF") project. Also, since a fourth phase was not included in the original scope of services for this project, the Agreement did not include bidding, design services during construction, or construction administration services for Phase IV.

It is therefore requested that the existing Agreement be further amended to provide for engineering services in connection with the HVAC Equipment Upgrades and Odor Control Improvements at the Yonkers Joint Wastewater Treatment Plant in Yonkers, New York. The Consultant shall provide additional design and construction administration services associated with this project which 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 additional 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 upgrade the HVAC equipment and to provide odor control improvements at the Yonkers Joint Wastewater Treatment Plant. This work is necessary to: (1) provide a fully functional, reliable, and energy efficient HVAC system throughout the plant; and (2) serve to control the emission of odors, thereby protecting the health and environment of the surrounding community. This project will implement the most cost-effective and environmentally compliant technologies available. This agreement will benefit the public as it effectuates the long-term remediation of these critical sewer system components avoiding 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 \$1,321,675.00 pursuant to an approved budget, bringing the total Agreement plus Amendments to \$4,209,088.19. The completion date of the Agreement shall be extended to December 31, 2023.

In addition, Camp Dresser McKee & Smith has requested the utilization of the following subconsultants: Land, Air, Water Environmental Services, Inc., a WBE firm, for Geotechnical Borings, 32 Chichester Avenue, Center Moriches, New York 11934; and Nasco Construction Services, Inc., a WBE firm, for Construction Cost Estimating Services, 200 Business Park Drive, Armonk, New York 10504.

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

Agreement No. 09-937, Fifth Amendment

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

RESOLVED, that the existing Agreement Number 09-937 (“Agreement”) between the County of Westchester (“County”) and Camp Dresser McKee & Smith (“Consultant”), 60 Crossways Park West, Suite 340, Woodbury, New York 11797, be amended to provide for engineering services in connection with the HVAC Equipment Upgrades and Odor Control Improvements at the Yonkers Joint Wastewater Treatment Plant in Yonkers, New York. The Consultant shall provide additional design and construction administration services associated with this project which 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 additional 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, Camp Dresser McKee & Smith, shall be paid a fee of \$1,321,675.00 pursuant to an approved budget, increasing the total maximum fee to \$4,209,088.19; and be it further

RESOLVED, that the use of the following subconsultants also be approved: Land, Air, Water Environmental Services, Inc., a WBE firm, for Geotechnical Borings, 32 Chichester Avenue, Center Moriches, New York 11934; and Nasco Construction Services, Inc., a WBE firm, for Construction Cost Estimating Services, 200 Business Park Drive, Armonk, New York 10504; and be it further

RESOLVED, that the completion date of the Agreement shall be extended to December 31, 2023; 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	\$ 2,217,750.00	(Design & Constr. Admin. – YJWWTP HVAC / Odor Control Improvements)
First Amendment	97,345.00	(Additional Design & Constr. Admin. – YJWWTP HVAC / Odor Control Improvements)
Second Amendment	180,700.00	(Additional Design – YJWWTP HVAC / Odor Control Improvements)
Third Amendment	223,758.19	(Additional Design & Constr. Admin. – YJWWTP HVAC / Odor Control Improvements)
Fourth Amendment	167,860.00	(Study – YJWWTP HVAC / Odor Control Improvements)
This Amendment	<u>1,321,675.00</u>	(Additional Design & Constr. Admin. – YJWWTP HVAC / Odor Control Improvements)
TOTAL	\$ 4,209,088.19	

Agreement No. 09-937 Fifth Amendment

Account to be Charged/Credited:

Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub Object	Bond Act No.	Dollars
322	60	SY009-01E	6120-03	BA #183-2011 BA #131-2013	\$ 926,375.00
322	60	SY009-02I	6120-05	BA #209-2016	\$ 395,300.00

Budget Funding Year(s): 2020 Start Date: 11/01/09 End Date: 12/31/23
(must match resolution)

Funding Source: Tax Dollars: 100% County Contractor Federal I.D. No./
State Aid: _____ Social Security No.: _____
\$1,321,675.00 Federal Aid: _____ Vendor No.: _____
(must match resolution) Other: _____ Encumbrance No.: _____