

75069

**TO:** Board of Acquisition and Contract

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

**DATE:** March 10, 2020

**SUBJECT:** Second Amendment to Agreement No. 11-901 in the matter of:

- (1) Changing the name of the Consultant to Hazen and Sawyer, D.P.C.
- (2) Engineering Services in connection with the Rehabilitation of North Yonkers Pump Station Tower and Alexander Street Influent Structure, Yonkers, New York

**Consultant:** Hazen and Sawyer, D.P.C.

**Amendment Amount:** \$596,281.14

*Subconsultant Approval:* Badey & Watson Surveying & Engineering, P.C. (WBE)  
Lane Appraisals, Inc.  
Lawler Environmental Group, LLC (WBE)

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The County of Westchester ("County"), acting by and through its Department of Public Works and Transportation ("Department"), entered into Agreement Number 11-901 ("Agreement"), dated March 29, 2011, with Hazen and Sawyer, P.C. ("Consultant"), 498 Seventh Avenue, New York, New York 10018, wherein the Consultant was to provide engineering design services associated with the Rehabilitation of North Yonkers Pump Station Tower and Alexander Street Influent Structure, Yonkers, New York. The Agreement was thereafter amended by Resolution approved September 6, 2012, for additional design services and construction administration services associated with the Rehabilitation of North Yonkers Pump Station Tower and Alexander Street Influent Structure, Yonkers, New York. The Agreement expired on December 31, 2017.

The Consultant has advised the County that its name changed from Hazen and Sawyer, P.C. to Hazen and Sawyer, D.P.C., effective March 2, 2015. Therefore, authority of your Honorable Board is requested to further amend the existing Agreement to reflect the correct name of the Consultant.

This project involves the rehabilitation of two distinct components, namely: (1) the North Yonkers Pump Station Tower; and (2) the Alexander Street Influent Structure. 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 completed the services required for the North Yonkers Pump Station Tower rehabilitation. The Alexander Street Influent Structure rehabilitation was advanced to approximately 90% design completion in 2012, when the County put the project on hold. The County has decided to proceed with the project at this time. The following additional tasks have been identified that are not included in the existing Agreement: changes in underground conditions, property appraisals, and easements. Also, the Consultant has requested an escalation on its original Agreement fee to account for cost of living adjustments over the past several years.

Authority of your Honorable Board is therefore requested to further amend the existing Agreement between the County and the Consultant, retroactively from December 31, 2017, to provide for additional engineering services in connection with the Rehabilitation of North Yonkers Pump Station Tower and Alexander Street Influent Structure, Yonkers, New York. The Consultant shall provide additional design and construction

administration services associated with this project that is 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 County also reserves the right to further amend this Agreement with the Consultant at a future date to provide for subsequent design and construction phase services.

The objective of this project is to rehabilitate the North Yonkers Pump Station Tower and the Alexander Street Influent Structure, which leads to the North Yonkers Pump Station. For the Influent Structure, the channels located between the influent gate chamber structure and the pump station need to be cleaned to remove accumulated sediment, which will subsequently increase the available capacity of the channels. In addition, there is no current means of operating the influent isolation gates without external hoisting equipment and modifications are necessary due to the age and condition of these gates. Thus, replacement of the gates and portable gate operators will be required. This Agreement will benefit the public as it will ensure that the County's wastewater treatment operations are safe and environmentally compliant, thereby enhancing the health and general welfare of County residents.

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 \$596,281.14 pursuant to an approved budget, bringing the total Agreement plus Amendments to \$1,137,898.14. 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: Badey & Watson Surveying & Engineering, P.C., a WBE firm, for Land Surveying Services, 3063 Route 9, Cold Spring, New York 10516; Lane Appraisals, Inc., for Property Appraisal Services, 178 Myrtle Boulevard, Suite 102, Larchmont, New York 10538; and Lawler Environmental Group, LLC, a WBE firm, for Construction Administration Services, 10 South Broadway, Nyack, New York 10960.

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

## Agreement No. 11-901, Second Amendment

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

RESOLVED, that the County of Westchester (“County”), acting by and through its Department of Public Works and Transportation (“Department”), is hereby authorized to amend Agreement No. 11-901 (“Agreement”) with Hazen and Sawyer, P.C. (“Consultant”), 498 Seventh Avenue, New York, New York 10018, to change the name of the Consultant to Hazen and Sawyer, D.P.C.; and be it further

RESOLVED, that the existing Agreement between the County and the Consultant be amended, retroactively from December 31, 2017, to provide for additional engineering services in connection with the Rehabilitation of North Yonkers Pump Station Tower and Alexander Street Influent Structure, Yonkers, New York. The Consultant shall provide additional design and construction administration services associated with this project that is 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 County also reserves the right to further amend this Agreement with the Consultant at a future date to provide for subsequent design and construction phase services; and be it further

RESOLVED, that for the additional services rendered, the Consultant shall be paid a fee of \$596,281.14 pursuant to an approved budget, increasing the total maximum fee to \$1,137,898.14; and be it further

RESOLVED, that the use of the following subconsultants also be approved: Badey & Watson Surveying & Engineering, P.C., a WBE firm, for Land Surveying Services, 3063 Route 9, Cold Spring, New York 10516; Lane Appraisals, Inc., for Property Appraisal Services, 178 Myrtle Boulevard, Suite 102, Larchmont, New York 10538; and Lawler Environmental Group, LLC, a WBE firm, for Construction Administration Services, 10 South Broadway, Nyack, New York 10960; 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	\$	222,035.00	(Design Services for Rehab of NYPS Tower & Alexander St. Influent Structure)
First Amendment		319,582.00	(Design Services for Influent Structure / CA Services for Tower & Influent Structure)
This Amendment		<u>596,281.14</u>	(Additional Design / CA Services for Tower & Influent Structure)
TOTAL	\$	1,137,898.14	

Agreement No. 11-901, Second Amendment

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub Object	Bond Act No.	Dollars
	322	60	SPS07-01-E	6120-03	BA #130-2013	\$ 329,488.93
	322	60	SPS07-01-I	6120-05	BA #130-2013	\$ 268,792.21

Budget Funding Year(s): 2020 Start Date: 03/29/2011 End Date: 12/31/2024  
 (must match resolution)

Funding Source: Tax Dollars: 100% County Contractor Federal I.D. No./  
 State Aid: \_\_\_\_\_ Social Security No.: \_\_\_\_\_  
\$ 596,281.14 Federal Aid: \_\_\_\_\_ Vendor No.: \_\_\_\_\_  
 (must match resolution) Other: \_\_\_\_\_ Encumbrance No.: \_\_\_\_\_