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**TO:** Board of Acquisition and Contract

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

**DATE:** April 21, 2020

**SUBJECT:** Second Amendment (of a Multi-Phased Agreement) to Agreement No. 17-930 in the matter of Engineering Services in connection with the Phase II Roof Replacement Program, Yonkers Joint Water Resource Recovery Facility, Yonkers, New York

**Consultant:** H2M Architects, Engineers, Land Surveying and Landscape Architecture, D.P.C. d/b/a H2M architects + engineers

**Amendment Amount:** \$252,500.00

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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 17-930 ("Agreement"), dated January 11, 2018, with H2M Architects, Engineers, Land Surveying and Landscape Architecture, D.P.C. d/b/a H2M architects + engineers ("Consultant"), 2700 Westchester Avenue, Suite 415, Purchase, New York 10577, wherein the Consultant was to provide design and construction administration services associated with the Phase I Roof Replacement Program, Mamaroneck, Peekskill, and Port Chester Water Resource Recovery Facilities. The Agreement was thereafter amended by Resolution approved August 2, 2018, for: (1) additional design services associated with the Phase I Roof Replacement Program at Mamaroneck, Peekskill, and Port Chester Water Resource Recovery Facilities; (2) design and construction administration services associated with the Phase II Roof Replacement Program at Yonkers Joint Water Resource Recovery Facility; and (3) extending the completion date of the Agreement to December 31, 2023.

This is a multiple phase project. The Phase II Roof Replacement Program at Yonkers Joint Water Resource Recovery Facility is currently in design and 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 by the Consultant. The Phase II work at Yonkers Joint Water Resource Recovery Facility currently in the Agreement includes the Dissolved Air Flotation ("DAF") Building roof, the Blower Building roof, and the Administration Building roof. Additional project funding for the Phase II Roof Replacement Program at Yonkers Joint Water Resource Recovery Facility was approved recently by the Westchester County Board of Legislators under Bond Act #13-2020. At this time, additional engineering services are required for Phase II to include work at the Dewatering Building of the Yonkers Joint Water Resource Recovery Facility.

It is therefore requested that the existing Agreement be further amended to provide for engineering services in connection with the Phase II Roof Replacement Program, Yonkers Joint Water Resource Recovery Facility, Yonkers, New York. The Consultant shall provide additional design and construction administration services associated with Phase II of this project. 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 Phase II of this project is to replace various roofs at the Yonkers Joint Water Resource Recovery Facility. The work includes the Dissolved Air Flotation ("DAF") Building roof, the Blower Building roof, the Administration Building roof, and the Dewatering Building roof. These building roofs have been leaking for a number of years and have been patched numerous times in the past. The buildings roofs were installed in 1978 and have reached the end of their useful lives. Neglecting to upgrade these critical elements of the plant may result in damage to sensitive operating equipment in the plant that is located below the leaking roofs. This Agreement will benefit the public as it will ensure the water tightness of the buildings and the continued reliable operation of equipment vital to the facilities.

The original intent of this Agreement was to have the project performed in multiple phases as subsequent funding became available. The initial phase defined the scope of work and required budget for the subsequent phases of the project for which funding has been approved.

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 \$252,500.00 pursuant to an approved budget, bringing the total Agreement plus Amendments to \$1,782,772.46. The completion date of the Agreement shall be extended to December 31, 2024.

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

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

RESOLVED, that the existing Agreement No. 17-930 (“Agreement”) between the County of Westchester (“County”) and H2M Architects, Engineers, Land Surveying and Landscape Architecture, D.P.C. d/b/a H2M architects + engineers (“Consultant”), 2700 Westchester Avenue, Suite 415, Purchase, New York 10577, be amended to provide for engineering services in connection with the Phase II Roof Replacement Program, Yonkers Joint Water Resource Recovery Facility, Yonkers, New York. The Consultant shall provide additional design and construction administration services associated with Phase II of this project. 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 in accordance with the Consultant’s proposal, H2M Architects, Engineers, Land Surveying and Landscape Architecture, D.P.C. d/b/a H2M architects + engineers, shall be paid a fee of \$252,500.00 pursuant to an approved budget, increasing the total maximum fee to \$1,782,772.46; and be it further

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

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	\$ 694,272.46	(Design and CA Services – Phase I Roof Replacement)
First Amendment	836,000.00	(Final Design of Solar Panels – Phase I & Design and CA Services – Phase II)
This Amendment	<u>252,500.00</u>	(Additional Design and CA Services – Phase II Roof Replacement)
TOTAL	\$ 1,782,772.46	

**Agreement No. 17-930**

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub Object	Bond Act No.	Dollars
	322	60	SY030-03-E	6120-03	BA #13-2020	\$67,500.00
	322	60	SY030-03-I	6120-05	BA #13-2020	\$185,000.00

Budget Funding Year(s): 2020 Start Date: 01/11/18 End Date: 12/31/24  
(must match resolution)

Funding Source: Tax Dollars: 100% County Contractor Federal I.D. No./ Social Security No.: \_\_\_\_\_  
 State Aid: \_\_\_\_\_  
\$252,500.00 Federal Aid: \_\_\_\_\_ Vendor No.: \_\_\_\_\_  
 (must match resolution) Other: \_\_\_\_\_ Encumbrance No.: \_\_\_\_\_