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TO: Board of Acquisition and Contract
FROM: Hugh J. Greechan, Jr., PE
Commissioner of Public Works and Transportation
DATE: July 28, 2020
SUBJECT: Fourth Amendment to Agreement No. 15-954 in the matter of:

- (1) Authorization for the County of Westchester, acting by and through its Department of Public Works and Transportation (“Department”), to execute an agreement consenting to the assignment of Agreement No. 15-954 with Woodard & Curran Engineering P.A. P.C. to Woodard & Curran Engineering and Geological Services, P.A. P.C.
- (2) Amendment for Engineering Services in connection with Kensico Dam Plaza Reflecting Pool Restoration, Valhalla, New York

Consultant: Woodard & Curran Engineering and Geological Services, P.A. P.C.
Amendment Amount: \$167,750.00

Pursuant to a Resolution approved on December 22, 2015, the County of Westchester (“County”) entered into Agreement Number 15-954 (“Agreement”), dated December 29, 2015, with Woodard & Curran Engineering P.A. P.C. (“Consultant”), 800 Westchester Avenue, Suite N-507, Rye Brook, New York 10573, wherein the Consultant was to provide design services associated with Kensico Dam Plaza Reflecting Pool Restoration, Valhalla, New York. The Agreement was thereafter amended by Resolution approved on April 7, 2016, to provide study services associated with this project. The Agreement was thereafter further amended by Resolution approved on December 21, 2017, to provide additional design services associated with this project. The Agreement was thereafter further amended by Resolution approved on July 19, 2018, to provide modifications to design services associated with this project. The Agreement expired on December 31, 2019.

The Department was notified by e-mail received on June 17, 2020 that Woodard & Curran Engineering P.A. P.C. has changed its name to Woodard & Curran Engineering and Geological Services, P.A. P.C. in order to comply with requirements in New York State with respect to the practice of geology. The Department has been notified that Woodard & Curran Engineering and Geological Services, P.A. P.C. is the successor firm to Woodard & Curran Engineering P.A. P.C. In this regard, Woodard & Curran Engineering P.A. P.C. has requested that the County approve the assignment of Agreement No. 15-954 to Woodard & Curran Engineering and Geological Services, P.A. P.C. Therefore, Woodard & Curran Engineering and Geological Services, P.A. P.C. would assume all of the rights and obligations under Agreement No. 15-954. In addition, the same principals and staff shall be assigned to complete the work, thus guaranteeing continuity to the project.

The attached Resolution, if approved by your Honorable Board, would authorize the County to execute an agreement consenting to the assignment of Agreement No. 15-954 from Woodard & Curran Engineering P.A. P.C. to Woodard & Curran Engineering and Geological Services, P.A. P.C., 800 Westchester Avenue, Suite N-507, Rye Brook, New York 10573, effective as of the date of execution of the assignment.

The objective of this assignment is in the County’s best interest as it will provide for uninterrupted consulting services pursuant to Agreement No. 15-954 for the Department project contained therein.

The County has been satisfied with the overall quality of services provided to date by the Consultant. A permanent ice skating rink was part of the original scope of work for this project. During the design phase of this project, the County decided to eliminate the ice skating rink component of the project which had already been designed. At this time, additional modifications to design services are required to revise the existing construction plans and specifications to reflect the reconfiguration of the fountain equipment into a single pump/equipment room located in a below-grade structure and removal of the previously designed multiple vault configuration. The County requested that the Consultant provide modifications to design services required for these tasks that are beyond the services included in the existing Agreement.

Authority of your Honorable Board is therefore requested to further amend the existing Agreement retroactively from December 31, 2019, to provide for engineering services in connection with Kensico Dam Plaza Reflecting Pool Restoration, Valhalla, New York. The Consultant shall provide additional modifications to design services associated with this project that address tasks which are outside of the scope of work included in the existing Agreement. Modifications to design services shall include the preparation of construction documents (plans and specifications), construction cost estimates, and value engineering. In addition, the County reserves the right to further amend this Agreement with the Consultant at a future date to provide for bidding phase services and construction phase services including, but not limited to, design services during construction and project close-out services.

The objective of this project is to provide for the renovation and restoration of the reflecting pool, cascade pools and fountains at Kensico Dam Plaza to perform as a functional water feature in the warm months. Kensico Dam Plaza is the site of many large-scale special events and ethnic festivals that have become more popular with increased attendance. According to a recent residents' preference survey, Kensico Dam Plaza is the most recognized park facility in Westchester County. Nearly 200,000 people use the park annually. The cascades and fountains were once an important historic design feature of the plaza. With the park facility's rise in popularity, it is appropriate to restore these historic features to their once prominent position. The basin no longer holds water and is not capable of recirculation. This project will address these issues and create a more efficient closed loop system. The restoration work shall include, but not be limited to, the following items: reconfiguration of the water circulation system, waterproofing, plumbing and associated infrastructure. This agreement will benefit the public as it will enhance this recreational facility thereby ensuring its safe use and enjoyment by the park's visitors.

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 \$167,750.00 pursuant to an approved budget, bringing the total Agreement plus Amendments to \$805,028.00. The completion date of the Agreement shall be extended to December 31, 2021.

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/GMK/RSD/ER/as

RESOLUTION

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

RESOLVED, that the County of Westchester (“County”) is hereby authorized to consent to the assignment of Agreement No. 15-954 (“Agreement”), dated December 29, 2015, and as subsequently amended, for engineering services associated with Kensico Dam Plaza Reflecting Pool Restoration, Valhalla, New York, from Woodard & Curran Engineering P.A. P.C. to Woodard & Curran Engineering and Geological Services, P.A. P.C. (“Consultant”), 800 Westchester Avenue, Suite N-507, Rye Brook, New York 10573, effective as of the date of execution of the assignment; and be it further

RESOLVED, that as a condition for the granting of the County’s consent to this assignment, the Consultant will comply with all contract provisions; and be it further

RESOLVED, that the existing Agreement between the County and the Consultant be amended retroactively from December 31, 2019, to provide for engineering services in connection with Kensico Dam Plaza Reflecting Pool Restoration, Valhalla, New York. The Consultant shall provide additional modifications to design services associated with this project that address tasks which are outside of the scope of work included in the existing Agreement. Modifications to design services shall include the preparation of construction documents (plans and specifications), construction cost estimates, and value engineering. In addition, the County reserves the right to further amend this Agreement with the Consultant at a future date to provide for bidding phase services and construction phase services including, but not limited to, design services during construction and project close-out services; and be it further

RESOLVED, that for the additional services rendered, the Consultant shall be paid a fee of \$167,750.00 pursuant to an approved budget, increasing the total maximum fee to \$805,028.00; and be it further

RESOLVED, that the completion date of the Agreement shall be extended to December 31, 2021; 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	\$	413,275.00	(Design Services)
First Amendment		55,000.00	(Study Services)
Second Amendment		40,000.00	(Additional Design Services)
Third Amendment		129,003.00	(Modifications to Design Services)
This Amendment		167,750.00	(Assignment of Agreement & Additional Modifications to Design Services)
TOTAL	\$	805,028.00	

Agreement No. 07-932

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub Object	Bond Act No.	Dollars
	372	42	RKD05-01-E	6120-05	BA #259-2015	\$ 167,750.00

Budget Funding Year(s): 2020 Start Date: 12/29/15 End Date: 12/31/21
 (must match resolution)

Funding Source: Tax Dollars: 100% County Contractor Federal I.D. No./
 State Aid: _____ Social Security No.: _____
\$167,750.00 Federal Aid: _____ Vendor No.: _____
 (must match resolution) Other: _____ Encumbrance No.: _____