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**TO:** Board of Acquisition and Contract

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

**DATE:** August 19, 2020

**SUBJECT:** Third Amendment to Agreement No. 18-932 in the matter of Engineering Services in connection with Memorial Field Complex Rehabilitation, Phase III – Construction Administration, Mount Vernon, New York

**Consultant:** Woodard & Curran Engineering and Geological Services, P.A. P.C.  
**Amendment Amount:** \$1,195,000.00

*Subconsultant Approval: SecureTek Solutions, LLC (MBE)*

The County of Westchester (“County”), acting by and through its Department of Public Works and Transportation (“Department”), entered into Agreement Number 18-932 (“Agreement”), dated December 3, 2018, 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 study services associated with Memorial Field Complex Rehabilitation, Phase I – Project Evaluation and Conceptual Planning, Mount Vernon, New York. The Agreement was thereafter amended by Resolution approved March 21, 2019, for final design services associated with Memorial Field Complex Rehabilitation, Phase II – Final Design, Mount Vernon, New York and to extend the completion date of the Agreement to December 31, 2022. The Agreement was thereafter further amended by Resolution approved May 21, 2020, for additional final design services associated with Memorial Field Complex Rehabilitation, Phase II – Final Design, Mount Vernon, New York. By Resolution approved July 16, 2020, your Honorable Board authorized the County to consent to the assignment of the Agreement from Woodard & Curran Engineering P.A. P.C. to Woodard & Curran Engineering and Geological Services, P.A. P.C.

The engineering services included in the original Agreement have been in progress. The Consultant has completed the construction contract documents and bid analysis. The County has been satisfied with the quality of services provided to date. By Resolution approved July 30, 2020, your Honorable Board awarded a construction contract for this project to The LandTek Group, Inc. Construction work for this project is anticipated to begin in August 2020. Construction administration services are required at this time.

Authority of your Honorable Board is therefore requested to further amend the existing Agreement between the County and the Consultant to provide for additional engineering services in connection with Memorial Field Complex Rehabilitation, Phase III – Construction Administration, Mount Vernon, New York. The Consultant shall provide construction administration services and design services during construction associated with this project. 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. In addition, the Consultant shall provide design services during construction consisting of shop drawing and submittal review, attendance at project meetings, periodic site visits and preparation of as-built drawings.

The objective of this project is to rehabilitate the complex at Memorial Field. This project will be done in multiple phases. The first phase of this project ("Phase I") includes an evaluation and conceptual planning of current site conditions to determine cost-effective redevelopment solutions which meet the desired programming needs for Memorial Field. The second phase of this project ("Phase II") includes final design required for the redevelopment and reconstruction of Memorial Field. The third phase of this project ("Phase III") includes construction and construction administration required for the redevelopment and reconstruction of Memorial Field. The scope of work for this project includes, but is not limited to, the following: installation of a synthetic surface track and field, locker rooms, bleacher system to accommodate spectators, public restrooms, scoreboard, sound system, press box, LED field lighting, concession building, and ticket booth. This Agreement will benefit the public as it will provide a venue for sporting events, concerts, and cultural events, thereby ensuring its safe use and enjoyment by the facility'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 \$1,195,000.00 pursuant to an approved budget, bringing the total Agreement plus Amendments to \$2,456,300.00. The completion date of the Agreement shall remain December 31, 2022.

In addition, the Consultant has requested the utilization of the following subconsultant: SecureTek Solutions, LLC, an MBE firm, for Construction Inspection Services, 111 Founders Plaza, Suite 1002, East Hartford, Connecticut 06108.

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/SG/as

# RESOLUTION

## Agreement No. 18-932, Third Amendment

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

RESOLVED, that the existing Agreement No. 18-932 (“Agreement”) between the County of Westchester (“County”), acting by and through its Department of Public Works and Transportation (“Department”), and Woodard & Curran Engineering and Geological Services, P.A. P.C. (“Consultant”), 800 Westchester Avenue, Suite N-507, Rye Brook, New York 10573, be amended to provide for engineering services in connection with Memorial Field Complex Rehabilitation, Phase III - Construction Administration, Mount Vernon, New York. The Consultant shall provide construction administration services and design services during construction associated with this project. 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. In addition, the Consultant shall provide design services during construction consisting of shop drawing and submittal review, attendance at project meetings, periodic site visits and preparation of as-built drawings; and be it further

RESOLVED, that for the additional services rendered, the Consultant shall be paid a fee of \$1,195,000.00 pursuant to an approved budget, increasing the total maximum fee to \$2,456,300.00; and be it further

RESOLVED, that this Agreement is subject to County appropriations; and be it further

RESOLVED, that this Agreement is also subject to further financial analysis of the impact of any New York State Budget (the “State Budget”) proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate the Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the consultant, then the consultant shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further

RESOLVED, that the use of the following subconsultant also be approved: SecureTek Solutions, LLC, an MBE firm, for Construction Inspection Services, 111 Founders Plaza, Suite 1002, East Hartford, Connecticut 06108; 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	\$	85,000.00	(Study Services)
First Amendment		882,300.00	(Final Design Services)
Second Amendment		294,000.00	(Additional Final Design Services)
Assignment		0.00	(Assignment of Agreement)
This Amendment		<u>1,195,000.00</u>	(Construction Administration Services & Design Services During Construction)
TOTAL	\$	2,456,300.00	

**Agreement No. 18-932, Third Amendment**

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub Object	Bond Act No.	Dollars
	101	46	2000	4420-GGDS	N/A	\$ 1,195,000.00

Budget Funding Year(s): 2020 Start Date: 12/03/18 End Date: 12/31/22  
 (must match resolution)

Funding Source: Tax Dollars: 100% County Contractor Federal I.D. No./  
 State Aid: \_\_\_\_\_ Social Security No.: \_\_\_\_\_  
\$1,195,000.00 Federal Aid: \_\_\_\_\_ Vendor No.: \_\_\_\_\_  
 (must match resolution) Other: \_\_\_\_\_ Encumbrance No.: \_\_\_\_\_