

TO: Board of Acquisition and Contract

FROM: John J. Hsu, PE
Acting Commissioner of Public Works

DATE: April 9, 2010

SUBJECT: Authority to Enter into Agreement #10-909 (a Multi-Phased Agreement)
In the matter of Engineering Services in connection with the
Bronx River Reservation Pathway, Greenacres Avenue to Crane Road, Scarsdale, New York

Consultant: **Berger Lehman Associates, PC**

Agreement Amount: **\$374,500.00**

Subconsultant Approval: *KC Engineering and Land Surveying, PC (MBE)*
Louis Berger & Associates, PC
The RBA Group

Authority of your Honorable Board is requested to enter into an Agreement in connection with the Bronx River Reservation Pathway, Greenacres Avenue to Crane Road, Scarsdale, New York. The consultant shall provide design services associated with this project. Design services shall include the preparation of construction contract documents (plans 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. The consultant shall also 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 design and construct a new segment of the Bronx River Reservation Pathway from Greenacres Avenue to Crane Road in Scarsdale. The Greenacres Avenue to Crane Road section of the Bronx River Reservation Pathway has been missing since a major re-alignment of the Bronx River Parkway occurred in the 1960's. Pathway users are currently forced to use local vehicular roadways to make the connection between Scarsdale and Hartsdale. This project is required to meet the goal of creating a continuous pathway along the Reservation, and is an important link in the County railway system. This pathway from White Plains to the Bronx Line has been designated to be part of the East Coast Greenway, a national trail system stretching from Maine to Florida. In addition, pathway use by walkers, joggers and cyclists has been listed as one of the most desired activities by County residents in the 2007 Parks User Survey. The work will include drainage improvements, footbridge construction, sign installation, slope stabilization, and associated landscaping. The planned work will also improve the water quality of the Bronx River and associated water bodies. This project will implement the most cost-effective and environmentally compliant technologies available. Wherever possible, proposed new materials will be incorporated in compliance with LEED guidelines for environmental sustainability as per the United States Green Building Council. This agreement will benefit the public as it will enhance the use of the Bronx River Reservation Pathway by improving public access and by providing a variety of settings for passive and active use.

The intent of this Agreement is to have the design and construction administration performed in multiple phases as subsequent funding becomes available for construction. The initial design phase will define the scope of work and the required budget for the next phases of design and construction administration for which construction funding shall be approved in the future.

Since the estimated fee for professional services was greater than \$100,000, in accordance with the Rules of the Professional Prequalification and Selection Boards, on December 9, 2008, a meeting of the Professional

Board of Acquisition and Contract

Agreement No. 10-909

Bronx River Reservation Pathway, Greenacres Avenue to Crane Road, Scarsdale, New York

Berger Lehman Associates, PC

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Prequalification Board was held to discuss the scope of work and request a list of qualified firms to provide the necessary services. The list was reviewed by the Professional Selection Board on March 24, 2009, whereby Berger Lehman Associates, PC; Woodard and Curran, Inc.; Chas. H. Sells, Inc. d/b/a WSP Sells; and John Meyer Consulting, PC, were selected to possibly perform said services. On October 23, 2009, a request for proposal (RFP) was sent to the qualified firms and subsequently proposals were received on November 16, 2009.

After reviewing the proposals, and based on the evaluation criteria set forth in the request for proposal, including technical merit and net cost, the Professional Selection Board at its meeting held March 26, 2010, selected Berger Lehman Associates, PC, 411 Theodore Fremd Avenue, Rye, New York 10580, as the number one firm to perform engineering services in connection with the Bronx River Reservation Pathway, Greenacres Avenue to Crane Road, Scarsdale, New York, for a total fee of \$374,500.00, pursuant to an approved budget, which represents the best possible contract for the County.

In addition, Berger Lehman Associates, PC has requested the utilization of the following subconsultants: KC Engineering and Land Surveying, PC (Survey/Mapping), 370 Seventh Avenue, Suite 1705, New York, New York 10001; Louis Berger & Associates, PC (Permits, Environmental, Cultural Resources, and Archaeological Studies), 199 Water Street, 23rd Floor, New York, New York 10038; and The RBA Group (Landscape Architect and LEED), 27 Union Square West, 4th Floor, New York, New York 10003.

The proposed has been reviewed and is judged to be responsive to the task at hand.

This matter has been reviewed by the Deputy County Executive, the Commissioner of the Department of Parks, Recreation and Conservation, and the Deputy Commissioner of the Department of Public Works, and they are in concurrence.

I recommend adoption of the attached proposed Resolution.

APPROVED BOARD OF ACQUISITION & CONTRACT A-29-2310 JERRY VIERA, CLERK

RESOLUTION

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

RESOLVED, that approval is hereby granted to enter into an Agreement with the firm of Berger Lehman Associates, PC, 411 Theodore Fremd Avenue, Rye, New York 10580, for engineering services in connection with the Bronx River Reservation Pathway, Greenacres Avenue to Crane Road, Scarsdale, New York; and be it further

RESOLVED, that for services rendered in accordance with the consultant's proposal for the first phase of this multi-phase project, a total compensation of \$374,500.00, shall be provided, pursuant to an approved budget; and be it further

RESOLVED, that the use of the following subconsultants also be approved: KC Engineering and Land Surveying, PC (Survey/Mapping), 370 Seventh Avenue, Suite 1705, New York, New York 10001; Louis Berger & Associates, PC (Permits, Environmental, Cultural Resources, and Archaeological Studies), 199 Water Street, 23rd Floor, New York, New York 10038; and The RBA Group (Landscape Architect and LEED), 27 Union Square West, 4th Floor, New York, New York 10003; and be it further

RESOLVED, that the Agreement shall commence upon the consultant's receipt of written notice from the Acting Commissioner of Public Works or his designee and that the completion date shall be December 31, 2014; 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.

JJH/PTK/MC/AS

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Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub Object	Trust Account	Dollars
372	42	RBR0103E	6120-03		\$ 148,500.00
372	42	RBR0105E	6120-03		\$ 226,000.00

Budget Funding Year(s): 2010 Start Date: 04/30/2010 End Date: 12/31/2014
 (must match resolution)

Funding Source: Tax Dollars: 100% County Contractor Federal I.D. No./
 State Aid: _____ Social Security No.: 13-2765026
\$374,500.00 Federal Aid: _____ Vendor No.: _____
 (must match resolution) Other: _____ Encumbrance No.: _____

Board of Acquisition and Contract
Agreement No. 10-909
Bronx River Reservation Pathway, Greenacres Avenue to Crane Road, Scarsdale, New York
Berger Lehman Associates, PC

List of Respondents

Berger Lehman Associates, PC \$ 374,500.00
411 Theodore Fremd Avenue
Rye, New York 10580
(914) 967-5800

Woodard & Curran, Inc. \$ 419,776.00
709 Westchester Avenue
White Plains, New York 10604
(914) 448-2266

Chas. H. Sells, Inc. d/b/a WSP Sells \$ 723,233.00
555 Pleasantville Road
Briarcliff Manor, New York 10510
(914) 747-1120

APPROVED BOARD OF ACQUISITION & CONTRACT - 4-29-2010 - JOMARY VIEIRA, SECRETARY