

15490

TO: Board of Acquisition and Contract

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

DATE: November 19, 2010

SUBJECT: Second Amendment (of a Multi-Phased Agreement) to Agreement No. 09-903
In the matter of Engineering Services in connection with the
Rehabilitation of New Rochelle Reservoir #3 Dam and Pocantico Lake Dam,
City of New Rochelle and Towns of Eastchester and Mount Pleasant, New York

Consultant: Stearns & Wheler, LLC

Amendment Amount: \$1,323,000.00

Subconsultant Approval: Allen Marine Services
McLaren Engineering Group
Enviroscan, Inc. (WBE)
KJM Construction Management, Inc.

Authority of your Honorable Board is requested to amend the existing Agreement between the County of Westchester and Stearns & Wheler, LLC, One Remington Park Drive, Cazenovia, New York 13035. The original Agreement dated February 19, 2009, was for engineering services associated with remedial investigation to comply with the New York State Department of Environmental Conservation (NYSDEC) Consent Order for the New Rochelle Reservoir #3 Dam and Pocantico Lake Dam. The Agreement was thereafter amended pursuant to a Resolution approved March 11, 2010, to provide for inspection services associated with the Inspection and Maintenance Plans for Six (6) Westchester County Class B Dams.

The remedial studies of the New Rochelle Reservoir #3 Dam and Pocantico Lake Dam revealed the need for corrective actions to repair various structural deficiencies. The work at the New Rochelle Reservoir #3 Dam includes: demolition and reconstruction of the existing abutments and footbridge; extension of the concrete spillway to increase the storage capacity; installation of fencing; tree and stump removal; stream bank stabilization; repair of the drain control valves; and related site work. The work at the Pocantico Lake Dam includes: demolition and reconstruction of the abutment walls, spillway piers, catwalk, concrete apron, core wall, and retaining wall; rock excavation; extension of the concrete spillway to increase the storage capacity; tree and stump removal; repair of the intake structures, gates, drain pipe and valves; and related site work. The NYSDEC Consent Order specifies the following milestones: (1) Design documents must be submitted by the County no later than March 1, 2011; (2) Construction work must be completed by the County no later than December 31, 2014; and (3) As-built drawings must be submitted by the County no later than March 1, 2015.

In order to ensure compliance with the NYSDEC Consent Order, it is requested that the existing Agreement be further amended to provide for design and construction administration services associated with the Rehabilitation of New Rochelle Reservoir #3 Dam and Pocantico Lake Dam, City of New Rochelle and Towns of Eastchester and Mount Pleasant, New York. 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

Board of Acquisition and Contract
Second Amendment to Agreement No. 09-903
Rehabilitation of New Rochelle Reservoir #3 Dam and Pocantico Lake Dam
Stearns & Wheler, LLC

Page 2

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. 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.

The objective of this project will be to rehabilitate New Rochelle Reservoir #3 Dam and Pocantico Lake Dam. These dams are classified by NYSDEC as high-hazard Class C Dams, based on the potential impact upon human life and property in the event of dam failure. Class C Dams are located in areas where their failure may cause loss of human life or serious property damage. This work is necessary to ensure that these dams owned and maintained by the County are in conformance with all NYSDEC regulations regarding dam safety. This agreement will benefit the public as it will ensure that areas adjacent to these dams may be safely occupied.

The original intent of this Agreement was to have the engineering services performed in multiple phases, dependent upon the results of remedial investigation. The initial remedial study phase defined the scope of work and the required budget for the subsequent phases of design and construction administration, 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 \$1,323,000.00, pursuant to an approved budget, bringing the total Agreement plus Amendments to \$1,589,900.00. The completion date of the Agreement shall be extended to December 31, 2015.

In addition, Stearns & Wheler, LLC, has requested the utilization of the following subconsultants: Allen Marine Services (Diving Services), 770 Riverview Boulevard, Tonawanda, New York 14150; McLaren Engineering Group (Diving Services), 100 Snake Hill Road, West Nyack, New York 10994; Enviroscan, Inc. (Marine Magnetometry Services), 1051 Columbia Avenue, Lancaster, Pennsylvania 17603; and KJM Construction Management, Inc. (Construction Inspection), 33 West Main Street, Suite 208, Elmsford, New York 10523.

The proposed form of Resolution to accomplish the foregoing is attached hereto.

RESOLUTION

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

RESOLVED, that the existing Agreement between the County of Westchester and Stearns & Wheler, LLC, One Remington Park Drive, Cazenovia, New York 13035, be amended to provide for design and construction administration services associated with the Rehabilitation of New Rochelle Reservoir #3 Dam and Pocantico Lake Dam, City of New Rochelle and Towns of Eastchester and Mount Pleasant, New York. 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 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 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; and be it further

RESOLVED, that for the additional services rendered in accordance with the consultant's proposal for the third phase of this multi-phase project, Stearns & Wheler, LLC, shall be paid a fee of \$1,323,000.00 pursuant to an approved budget, increasing the total maximum fee to \$1,589,900.00; and be it further

RESOLVED, that the use of the following subconsultants also be approved: Allen Marine Services (Diving Services), 770 Riverview Boulevard, Tonawanda, New York 14150; McLaren Engineering Group (Diving Services), 100 Snake Hill Road, West Nyack, New York 10994; Enviroscan, Inc. (Marine Magnetometry Services), 1051 Columbia Avenue, Lancaster, Pennsylvania 17603; and KJM Construction Management, Inc. (Construction Inspection), 33 West Main Street, Suite 208, Elmsford, New York 10523; and be it further

RESOLVED, that the completion date of the Agreement shall be extended to December 31, 2015; and be it further

APPROVED BOARD OF ACQUISITION & CONTRACT ADMINISTRATION
JOMRIVE/FA/SECRETARY
12-5-15

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.

JJH/RSD/AS

Original Agreement	\$ 225,000.00	(Engineering Services for NYSDEC Consent Order - NR Reservoir #3/Pocantico Dam)
First Amendment	41,900.00	(Inspection and Maintenance Plans for Six (6) Westchester County Class B Dams)
This Amendment	<u>1,323,000.00</u>	(Design and Construction Administration Services for NR Reservoir #3/Pocantico Dam)
TOTAL	\$ 1,589,900.00	

Agreement No. 09-903

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub Object	Trust Account	Dollars
372	42	RTL0100E	6120-03		\$ 460,000.00
372	42	RPL0200E	6120-03		\$ 479,000.00
372	42	RTL0100I	6120-05		\$ 192,000.00
372	42	RPL0200I	6120-05		\$ 192,000.00

Budget Funding Year(s): 2010 Start Date: 12/10/10 End Date: 12/31/15
 (must match resolution)

Funding Source: Tax Dollars: 100% County Contractor Federal I.D. No./ Social Security No.: _____

State Aid: _____ Vendor No.: _____
\$1,323,000.00 Federal Aid: _____

(must match resolution) Other: _____ Encumbrance No.: _____