

31955

TO: Board of Acquisition and Contract
FROM: Jay T. Pisco, PE
Commissioner of Public Works and Transportation
DATE: January 25, 2013
SUBJECT: Second Amendment (of a Multi-Phased Agreement) to Agreement No. 03-941
In the matter of:

- (1) Amendment to change the name of the Consultant to GHD Consulting Engineers, LLC
- (2) Amendment for Engineering Services in connection with the Pump Station Rehabilitation Program, Mamaroneck Sewer District

Consultant: GHD Consulting Engineers, LLC
Amendment Amount: \$1,181,000.00

Subconsultant Approval: LynStaar Engineering, PC (**WBE**)
Environmental Maintenance Contractors, Inc.

Pursuant to a Resolution approved on September 2, 2004, the County of Westchester ("County") entered into Agreement Number 03-941 with Stearns & Wheler, LLC ("Consultant"), One Remington Park Drive, Cazenovia, New York 13035, commencing September 6, 2004, wherein the Consultant was to provide engineering services associated with the Phase I - Pump Station Rehabilitation Program of Various Locations in Westchester County, New York. The Agreement was thereafter amended by Resolution approved October 16, 2008, for engineering services associated with the Phase II - Pump Station Rehabilitation Program of Various Locations in the Mamaroneck and New Rochelle Sewer Districts.

The Consultant recently advised the County that its name changed to GHD Consulting Engineers, LLC. Therefore, authority of your Honorable Board is requested to amend the existing Agreement to reflect the correct name of the Consultant.

Authority of your Honorable Board is also requested to further amend the existing Agreement to provide for design and construction administration services associated with Phase III - Pump Station Rehabilitation Program in the Mamaroneck Sewer District. Phase III of this Rehabilitation Program includes the East Basin Pump Station, West Basin Pump Station, and Edgewater Point Pump Station, all located in the Mamaroneck Sewer District. 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.

The objective of this project is to upgrade and rehabilitate pump stations in the Mamaroneck Sewer District. These stations suffer significant wear and tear due to use and require rehabilitation every 15 to 20 years. This program will ensure the continued use of these stations into the future. Neglecting to upgrade these critical facilities may result in future failures, including the occurrence of a sewage overflow emergency that could allow sewage into the surrounding properties and cause violations of the County's State Pollutant Discharge Elimination System (SPDES) Permit. This agreement will benefit the public as it will ensure that the County's operations are safe and environmentally compliant, thereby enhancing the health and general welfare of County residents.

The original intent of this Agreement was to have the design and construction administration performed in multiple phases as subsequent funding became available. The initial design phase defined the scope of work and 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 \$1,181,000.00 pursuant to an approved budget, bringing the total Agreement plus Amendments to \$4,167,924.00. The completion date of the Agreement shall be extended to December 31, 2017.

In addition, GHD Consulting Engineers, LLC has requested the utilization of the following subconsultants: LynStaar Engineering, PC (Electrical Design Services), 448-450 Manville Road, Pleasantville, New York 10570; and Environmental Maintenance Contractors, Inc. (Material Testing Services), 5 Anderson Lane, Goldens Bridge, New York 10526.

Proposed form of Resolution to accomplish the foregoing is attached hereto.

RESOLUTION

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

RESOLVED, that the County of Westchester is hereby authorized to amend Agreement No. 03-941 with Stearns & Wheler, LLC ("Consultant"), One Remington Park Drive, Cazenovia, New York 13035, to change the name of the Consultant to GHD Consulting Engineers, LLC; and be it further

RESOLVED, that the existing Agreement between the County of Westchester and GHD Consulting Engineers, LLC, One Remington Park Drive, Cazenovia, New York 13035, be amended to provide for design and construction administration services associated with Phase III - Pump Station Rehabilitation Program in the Mamaroneck Sewer District. Phase III of this Rehabilitation Program includes the East Basin Pump Station, West Basin Pump Station, and Edgewater Point Pump Station, all located in the Mamaroneck Sewer District. 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, GHD Consulting Engineers, LLC, shall be paid a fee of \$1,181,000.00 pursuant to an approved budget, increasing the total maximum fee to \$4,167,924.00; and be it further

RESOLVED, that the use of the following subconsultants also be approved: LynStaar Engineering, PC (Electrical Design Services), 448-450 Manville Road, Pleasantville, New York 10570; and Environmental Maintenance Contractors, Inc. (Material Testing Services), 5 Anderson Lane, Goldens Bridge, New York 10526; and be it further

RESOLVED, that the completion date of the Agreement shall be extended to December 31, 2017; and be it further

RESOLVED, that all other provisions of the existing Agreement shall remain in full force and effect; and be it further

RESOLUTION

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.

JTP/LR/AS

Original Agreement	\$	1,614,324.00	(Phase I Design & Const. Admin. Services)
First Amendment		1,372,600.00	(Phase II Design & Const. Admin. Services)
This Amendment		1,181,000.00	(Phase III Design & Const. Admin. Services)
TOTAL	\$	4,167,924.00	

Agreement No. 03-941

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub Object	Trust Account	Dollars
	322	60	SM07508E	6120-03		\$ 901,000.00
	322	60	SM07508I	6120-05		\$ 280,000.00

Budget Funding Year(s): 2013 Start Date: 01/01/13 End Date: 12/31/17
 (must match resolution)

Funding Source: Tax Dollars: <u>100% District</u>	Contractor Federal I.D. No./
State Aid: _____	Social Security No.: _____
\$ <u>1,181,000.00</u> Federal Aid: _____	Vendor No.: _____
(must match resolution) Other: _____	Encumbrance No.: _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 02/21/2013 DOMARY VIEIRA SECRETARY