

34472

TO: Board of Acquisition and Contract

FROM: Jay T. Pisco, P.E.
Commissioner of Public Works and Transportation

DATE: June 11, 2013

SUBJECT: FIFTH AMENDMENT TO AGREEMENT NO. 06-906
Authority to Enter into an Agreement with the State of New York
For the Bridge Reconstruction of the Bronx River Parkway over the Bronx River
and MTA Metro-North Railroad at Crane Road (BINs 3348779 & 3348789), Town
of Greenburgh and Village of Scarsdale, Westchester County, New York

On March 23, 2006, your Honorable Board authorized the County of Westchester ("County") to enter into an Agreement with the State of New York ("State"), acting by and through the New York State Department of Transportation ("NYSDOT") wherein the State agreed to provide Federal funds in a sum not to exceed \$1,880,000.00 representing eighty (80) percent of the eligible costs, and the County agreed to provide local funds in a sum not to exceed \$470,000.00 representing the twenty (20) percent local match of the eligible costs, for preliminary engineering and right-of-way incidentals for the Bridge Reconstruction of the Bronx River Parkway over the Bronx River and MTA Metro-North Railroad at Crane Road (BINs 3348779 & 3348789), Town of Greenburgh and Village of Scarsdale, Westchester County, New York ("Project"). The local match percentage has been reduced to five (5) percent through the award of State Marchiselli funds (\$352,500.00), resulting in a net County share for eligible costs of \$117,500.00.

On October 2, 2008, your Honorable Board authorized the County to amend the Agreement with the State to allow NYSDOT to undertake a Value Engineering Assessment of this Project for a cost not to exceed \$56,000.00 (80%) in Federal funds and \$14,000.00 (20%) in local funds, which local share has been reduced to five (5) percent through the award of \$10,500.00 in State Marchiselli funds, resulting in a net County share of \$3,500.00. Authority was also requested to deposit \$14,000.00, representing the entire local share of the Value Engineering Assessment, with NYSDOT. These monies were deducted from the authorized amounts approved in the Agreement.

Subsequently, on December 17, 2009, your Honorable Board authorized the County to amend the Agreement with the State, wherein NYSDOT agreed to provide Federal funds in a sum not to exceed \$2,640,000.00 representing eighty (80) percent of eligible costs, and the County agreed to provide local funds in a sum not to exceed \$660,000.00 representing the twenty (20) percent local match of the eligible cost for detailed design for the Project. This local match percentage has been reduced to five (5) percent with the award of \$495,000.00 in State Marchiselli funds, resulting in a net County share for eligible costs of \$165,000.00. The completion date of the Agreement was also extended to December 30, 2015.

On May 27, 2010, your Honorable Board authorized the County to amend the Agreement with the State, wherein NYSDOT agreed to provide Federal funds in a sum not to exceed \$1,200,000.00 representing eighty (80) percent of eligible costs, and the County agreed to provide local funds in a sum not to exceed \$300,000.00 representing the twenty (20) percent local match of the eligible cost for right of way acquisition phase for the Project. This local match percentage has been reduced to five (5) percent with the award of \$225,000.00 in State Marchiselli funds, resulting in a net County share for eligible costs of \$75,000.00.

Likewise, on May 12, 2011, your Honorable Board authorized the County to amend the Agreement with the State, wherein NYSDOT agreed to provide Federal funds in a sum not to exceed \$37,648,000.00, representing eighty (80) percent of eligible costs, and the County will provide local funds in a sum not to exceed \$9,412,000.00 representing the twenty (20) percent local match of the eligible cost for the construction phase of the Project including construction inspection and railroad force account costs for the Project. This local match percentage will be further reduced to approximately five (5) percent with the award of \$7,050,000.00 in State Marchiselli funds, resulting in a net County share for eligible construction phase costs of \$2,362,000.00.

Authority is now requested for the County to amend the Agreement with the State, wherein NYSDOT shall provide Federal funds in a sum not to exceed \$560,000.00, representing eighty (80) percent of eligible costs, and the County will provide local funds in a sum not to exceed \$140,000.00 representing the twenty (20) percent local match of the eligible cost for additional construction inspection of the Project. This local match percentage may be further reduced to approximately five (5) percent with the award of \$105,000.00 in State Marchiselli funds, resulting in a net County share for eligible construction phase costs of \$35,000.00. Please note that an additional amendment to this agreement will be required to receive the Marchiselli funds when they are appropriated by the State.

Your Honorable Board is advised that the funds for preliminary engineering, detailed design and right of way activities have now been adjusted based on additional State Marchiselli fund appropriations. After the adjustment, the State Marchiselli funds are increased by \$66,047.00 thereby reducing the County local match by \$59,047.00. Accordingly, the Federal fund share for this Amendment will be for an amount not to exceed \$560,000.00, the State Marchiselli fund share will be for an amount not to exceed \$66,047.00, and the County local match share shall be for an amount not to exceed \$80,953.00.

This Project is in the public's best interest in that successful completion of the Project will increase motorist safety through the replacement of a substandard bridge. Likewise, the use of Federal and State funds reduces the impacts of this Project on the local tax base. Energy and environmental effects are positive as closure of the bridge would result in significant detours and congestion.

Board of Acquisition and Contract
Fifth Amendment to Agreement No. 06-906
State of New York

Bridge Reconstruction of the Bronx River Parkway over the Bronx River and
MTA Metro-North Railroad at Crane Road (BINs 3348779 & 3348789),
Town of Greenburgh and Village of Scarsdale, Westchester County, New York
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The County is responsible for undertaking all phases, except the Value Engineering Assessment, including the payment in the first instance of one hundred (100) percent of the Federal and non-federal funds for the preliminary engineering, detailed design, construction and construction inspection phases of this Project, following federal and State guidelines and procedures to insure reimbursement. Supplemental Agreements, amending this Agreement, will be required by NYSDOT as the project progresses towards completion in order for the County to receive additional Federal and State funds. The County Capital Plan reflects receipt of Federal and State funds, which reduces the County funds required for this Project.

The Congress of the United States has provided for the apportionment of Federal Aid Highway funds to the State for the purposes of carrying out Federal Aid Highway Projects pursuant to the applicable sections of Title 23, US Code, as amended, and the New York State Highway Law authorizes the Commissioner of Transportation of the State of New York to use monies of the Federal Government available under the Federal Aid Highway Acts and provides for the consent to and approval by Westchester County of any project under the Federal Aid Highway Program which is not on the State Highway System.

This Department will track scheduling and accomplishments during construction to insure the successful completion of this Project.

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

JTP/KMR/TSA
Attachment

RESOLUTION

Upon communication from the Commissioner of Public Works and Transportation,

WHEREAS, the County shall be responsible for undertaking the engineering, construction and construction inspection phases for the Bridge Reconstruction of the Bronx River Parkway over the Bronx River and MTA Metro-North Railroad at Crane Road (BINs 3348779 & 3348789), Town of Greenburgh and Village of Scarsdale, Westchester County, New York, following Federal and New York State guidelines and procedures; and

WHEREAS, the Congress of the United States has provided for the apportionment of Federal Aid Highway funds to the State for the purposes of carrying out Federal Aid Highway Projects pursuant to the applicable sections of Title 23, US Code, as amended; and the New York State Highway Law authorizes the Commissioner of Transportation of the State of New York to use monies of the Federal Government available under the Federal Aid Highway Acts and provides for the consent to and approval by Westchester County of any project under the Federal Aid Highway Program which is not on the State Highway System; and

WHEREAS, the County of Westchester is responsible for the first instance of all funds, except those for the Value Engineering Assessment, to progress this project through the various stages following Federal and New York State guidelines and procedures to insure reimbursement; now, therefore be it

RESOLVED, that the County of Westchester is authorized to enter into a Fifth Amendment to its Agreement with the State of New York, acting by and through the New York State Department of Transportation, for the construction phase of the Bridge Reconstruction of the Bronx River Parkway over the Bronx River and MTA Metro-North Railroad at Crane Road (BINs 3348779 & 3348789), Town of Greenburgh and Village of Scarsdale, Westchester County, New York ("Project"), wherein the State shall provide federal funds in a sum not to exceed \$560,000.00, representing eighty (80) percent, and the County will provide funds in a sum not to exceed \$140,000.00, representing twenty (20) percent of the cost for the Project; and be it further

RESOLVED, that the State Marchiselli funds, when appropriated by the State (\$105,000.00) will reduce the County's contribution for this phase of the Project to a sum not to exceed \$35,000.00, representing approximately five (5) percent of the estimated eligible project cost; and be it further

RESOLVED, that the County Executive or his duly appointed designee be, and hereby is, authorized to take such actions and execute such documents as may be necessary and appropriate to effect the purposes hereof.

RESOLUTION

Agreement	Total	Federal	State	County
Original Agreement:	\$2,350,000.00	\$ 1,880,000.00	\$352,500.00	\$117,500.00
1 st Amendment:	-\$70,000.00	- \$56,000.00	- \$10,500.00	-\$3,500.00
2 nd Amendment:	\$3,300,000.00	\$ 2,640,000.00	\$495,000.00	\$165,000.00
3 rd Amendment:	\$1,500,000.00	\$1,200,000.00	\$225,000.00	\$ 75,000.00
4 th Amendment:	\$46,980,650.00	\$37,578,920.00	\$6,980,000.00	\$2,414,730.00
This Amendment:	\$707,000.00	\$560,000.00	\$66,047.00	\$80,953.00
TOTAL:	\$54,760,650.00	\$43,802,920.00	\$8,108,047.00	\$2,849,683.00

Fifth Amendment to Agreement No. 06-906

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	371	46	P001800C	9633		\$560,000.00
	371	46	P001800C	9634		\$66,047.00
	371	46	P001800C	9632		\$80,953.00

Budget Funding Year(s) 2013 Start Date 07/01/13 End Date 12/30/15
 (must match resolution)

Funding Source: Tax Dollars \$80,953.00 (County funds) Contractor Federal I.D. No./ Social Security No.: _____
 State Aid \$66,047.00 (State Marchiselli funds)
\$ 707,000.00 Federal Aid \$560,000.00 (Federal HBRR funds) Vendor No.: _____
 (must match resolution) Other _____ Encumbrance No.: _____