

**35038**

**TO:** Board of Acquisition and Contract

**FROM:** Jay T. Pisco, PE  
Commissioner of Public Works and Transportation

**DATE:** July 18, 2013

**SUBJECT:** Authority to Enter into Agreement #13-916  
In the matter of Engineering Services in connection with an  
Alternate Water Supply for the Northern Section of the Kensico-Bronx Pipeline,  
Westchester County Water District No. 1, Cities of White Plains, Mount Vernon, and Yonkers,  
Village of Scarsdale, and Town of North Castle, New York

**Consultant:** GHD Consulting Engineers, LLC  
**Agreement Amount:** \$731,816.68

*Subconsultant Approval:* Malcolm Pirnie, Inc.  
LynStaar Engineering, PC (WBE)  
KJM Construction Management, Inc.

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Authority of your Honorable Board is requested to enter into an Agreement in connection with engineering services for an Alternate Water Supply for the Northern Section of the Kensico-Bronx Pipeline, Westchester County Water District No. 1, Cities of White Plains, Mount Vernon, and Yonkers, Village of Scarsdale, and Town of North Castle, New York. The consultant shall provide design and construction administration services associated with this project. 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 provide Westchester County Water District No. 1 ("WCWD #1") with an alternate supply of ultraviolet ("UV") treated water, from Shaft 22 of the Delaware Aqueduct to the Northern Section of the Kensico-Bronx Pipeline, that will achieve compliance with the United States Environmental Protection Agency's Long Term 2 Enhanced Surface Water Treatment Rule ("EPA's LT2 Rule"). The Kensico-Bronx Pipeline is a 48-inch cast iron pipe that conveys water from the Kensico Reservoir in Valhalla to the Westchester/Bronx border line. WCWD #1 owns and operates the Kensico-Bronx Pipeline to supply water to White Plains, Scarsdale, Yonkers, and Mount Vernon. The Kensico-Bronx Pipeline is connected to its primary supply at two points: (1) to the Kensico Reservoir at the north end; and (2) to Shaft 22 of the Delaware Aqueduct near the midpoint of the pipeline in Northeast Yonkers. Areas served by connections north of Shaft 22, which includes White Plains, Scarsdale, a portion of North Castle, and the northern part of Yonkers, are normally supplied from the Kensico Reservoir. Areas served by connections south of Shaft 22, which includes Mount Vernon and the southern part of Yonkers, are normally supplied from Shaft 22 which transmits water from the New York City Department of Environmental Protection ("NYCDEP") Catskill-Delaware UV Disinfection

Board of Acquisition and Contract

Agreement No. 13-916

Alternate Water Supply for the Northern Section of the Kensico-Bronx Pipeline,

Westchester County Water District No. 1,

Cities of White Plains, Mount Vernon, and Yonkers, Village of Scarsdale, and Town of North Castle, New York

GHD Consulting Engineers, LLC

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Facility which is in compliance with the EPA's LT2 Rule. The work required under this project will implement recommendations from a recently completed study that assessed the hydraulic and chemical feed systems at Shaft 22 and the major interconnections to the Kensico-Bronx Pipeline in order to determine the feasibility and best option to backfeed the northern portion of WCWD #1 from Shaft 22. Failure to undertake this project may result in a violation of the EPA's Safe Drinking Water Act potentially resulting in significant financial penalties. 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.

Time is of the essence in order to achieve compliance with the EPA's LT2 Rule as quickly as possible to minimize or avoid financial penalties. The EPA's LT2 Rule required additional water disinfection treatment of all water supply systems that serve over 100,000 people, which includes WCWD #1, by April 2012. Currently, only two-thirds of WCWD #1 is in compliance (comprising the areas south of Shaft 22). The work encompassed in this project will bring the rest of WCWD #1 into compliance (comprising the areas north of Shaft 22), thereby minimizing any potential penalties. Subsequent to numerous discussions between the parties, the County recently notified the EPA that WCWD #1 shall have a system in place in order to be in compliance by November 2013 (for winter flow demands) and by April 2014 (for summer flow demands).

The Department of Public Works and Transportation will track scheduling and accomplishments by the consultant and perform on-site inspections to ensure the successful completion of this project.

In accordance with the Accelerated Qualification and Selection Procedure as outlined in the Rules of the Professional Prequalification and Selection Boards (Act 144-1996, §3D), on April 25, 2013, a statement outlining the reason requiring the accelerated procedure, the qualifications of the proposed firm and the scope of work was submitted to the Chairman of the Professional Prequalification Board. The Chairman of the Professional Prequalification Board on April 25, 2013, agreed that the accelerated consultant procurement procedure was warranted. Subsequently, these items were reviewed and approved by the Chairman of the Professional Selection Board on May 2, 2013.

By Resolution approved May 23, 2013, your Honorable Board authorized the County to negotiate with the firm of GHD Consulting Engineers, LLC, One Remington Park Drive, Cazenovia, New York 13035, and a proposal was submitted for engineering services for an Alternate Water Supply for the Northern Section of the Kensico-Bronx Pipeline, Westchester County Water District No. 1, Cities of White Plains, Mount Vernon, and Yonkers, Village of Scarsdale, and Town of North Castle, New York, for a total fee of \$731,816.68, pursuant to an approved budget.

In addition, GHD Consulting Engineers, LLC, has requested the utilization of the following subconsultants: Malcolm Pirnie, Inc. (Chemical Storage Design Services), 44 South Broadway, 15<sup>th</sup> Floor, White Plains, New York 10601; LynStaar Engineering, PC (Electrical Design and Inspection Services), 448-450 Manville Road, Pleasantville, New York 10570; and KJM Construction Management, Inc. (Construction Inspection Services), 150 Grand Street, 4<sup>th</sup> Floor, White Plains, New York 10601.

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

# RESOLUTION

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

RESOLVED, that approval is hereby granted to enter into an Agreement with the firm of GHD Consulting Engineers, LLC, One Remington Park Drive, Cazenovia, New York 13035, for engineering services for an Alternate Water Supply for the Northern Section of the Kensico-Bronx Pipeline, Westchester County Water District No. 1, Cities of White Plains, Mount Vernon, and Yonkers, Village of Scarsdale, and Town of North Castle, New York. The consultant shall provide design and construction administration services associated with this project. 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 services rendered in accordance with the consultant's proposal, a total compensation of \$731,816.68 shall be provided, pursuant to an approved budget; 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 subconsultants also be approved: Malcolm Pirnie, Inc. (Chemical Storage Design Services), 44 South Broadway, 15<sup>th</sup> Floor, White Plains, New York 10601; LynStaar Engineering, PC (Electrical Design and Inspection Services), 448-450 Manville Road, Pleasantville, New York 10570; and KJM Construction Management, Inc. (Construction Inspection Services), 150 Grand Street, 4<sup>th</sup> Floor, White Plains, New York 10601; and be it further

# RESOLUTION

RESOLVED, that the Agreement shall commence upon the consultant's receipt of written notice from the Commissioner of Public Works and Transportation or his designee and that the completion date shall be November 30, 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.

JTP/LR/AS

Agreement No. 13-916

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub Object	Trust Account	Dollars
2013	241	60	5110	4380		\$ 228,693.00
2014	241	60	5110	4380		\$ 503,123.68

Budget Funding Year(s): 2013-2014 Start Date: 08/01/13 End Date: 11/30/14  
 (must match resolution)

Funding Source: Tax Dollars: 100% County Contractor Federal I.D. No./  
 State Aid: \_\_\_\_\_ Social Security No.: \_\_\_\_\_  
\$731,816.68 Federal Aid: \_\_\_\_\_ Vendor No.: \_\_\_\_\_  
 (must match resolution) Other: \_\_\_\_\_ Encumbrance No.: \_\_\_\_\_

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