

38196

To: Board of Acquisition and Contract

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

Date: January 28, 2014

Re: **Authority for the County of Westchester, acting by and through its Department of Public Works and Transportation (the "Department"), to execute an agreement consenting to the assignment of Agreement No. 09-903 with GHD Consulting Engineers, LLC to GHD Consulting Services Inc.**

Pursuant to a Resolution approved on February 19, 2009, the County of Westchester ("County") entered into Agreement No. 09-903 (the "Agreement") with Stearns & Wheler, LLC ("Consultant"), One Remington Park Drive, Cazenovia, New York 13035, commencing on March 4, 2009, wherein the Consultant was to provide engineering services associated with the 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, City of New Rochelle and Towns of Eastchester and Mount Pleasant, New York. The Agreement was thereafter amended by 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 Agreement was thereafter further amended by Resolution approved December 16, 2010, for design and construction administration services associated with the Rehabilitation of New Rochelle Reservoir #3 Dam and Pocantico Lake Dam. The Agreement was thereafter further amended by Resolution approved March 28, 2013, to (1) change the name of the Consultant to GHD Consulting Engineers, LLC; and (2) provide for continued construction administration services and design services during construction for the additional time during which construction activities have been extended in connection with the Rehabilitation of New Rochelle Reservoir #3 Dam and Pocantico Lake Dam.

The Department was notified by way of a letter dated January 14, 2014 that "GHD Consulting Engineers, LLC has reorganized in New York State to operate as GHD Consulting Services Inc." In this regard, it was requested in the aforesaid letter that the County consent to the assignment of Agreement No. 09-903 between GHD Consulting Engineers, LLC and the County, to GHD Consulting Services Inc. Therefore, GHD Consulting Services Inc. would assume all of the rights and obligations under Agreement No. 09-903.

The attached Resolution, if approved by your Honorable Board, would authorize the County to execute an agreement consenting to the assignment of Agreement No. 09-903 from GHD Consulting Engineers, LLC to GHD Consulting Services Inc. effective as of the date of execution of the assignment.

The objective of this assignment is in the County's best interest because it will provide for uninterrupted consulting services pursuant to Agreement No. 09-903 for the Department project contained therein.

The Department shall continue to track and monitor the progress of the Agreement.

Accordingly, your favorable action on the annexed Resolution is most respectfully urged and recommended.

JTP/lac  
Attachment

# RESOLUTION

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

**RESOLVED**, that the County of Westchester ("County") is hereby authorized to consent to the assignment of Agreement No. 09-903, dated February 19, 2009, and as subsequently amended, for 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, from GHD Consulting Engineers, LLC to GHD Consulting Services Inc., One Remington Park Drive, Cazenovia, New York 13035, effective as of the date of execution of the assignment; and be it further

**RESOLVED**, that as a condition for the granting of the County's consent to this assignment, GHD Consulting Services Inc. will comply with all contract provisions; and be it further

**RESOLVED**, that all other terms and conditions of Agreement No. 09-903 shall remain in full force and effect; and be it further

**RESOLVED**, that the County Executive or his authorized designee is hereby authorized to execute all instruments necessary to implement this Resolution.

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		
372	42	RPL0200E	6120-03		
372	42	RTL0100I	6120-05		
372	42	RPL0200I	6120-05		

Budget Funding Year(s) 2014 Start Date Upon Completion End Date 12/31/15  
 (must match resolution)

Funding Source: Tax Dollars \_\_\_\_\_

State Aid \_\_\_\_\_

\$ \_\_\_\_\_ Federal Aid \_\_\_\_\_  
 (must match resolution)

Other \_\_\_\_\_