

**51090**

**TO:** Board of Acquisition and Contract

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

**DATE:** February 16, 2016

**SUBJECT:** First Amendment to Agreement No. 11-925 (a Multi-Phased Agreement) in the matter of:

- (1) Authorization to change the name of the Consultant from Malcolm Pirnie, Inc. to Arcadis CE Inc.
- (2) Authorization to extend the term until December 31, 2020

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Pursuant to a Resolution approved on September 15, 2011, the County of Westchester (the "County") entered into Agreement No. 11-925 with Malcolm Pirnie, Inc. (the "Consultant"), 44 South Broadway, 15<sup>th</sup> Floor, White Plains, New York 10601, for Engineering Design and Construction Administration Services in connection with the Sewer System Rehabilitation, Blind Brook, Mamaroneck, New Rochelle, Ossining, Peekskill and Yonkers Joint Plant Sanitary Sewer Districts (the "Agreement") for the term October 1, 2011 through December 31, 2015, in the amount of \$879,871.00.

Upon notification from the Consultant, the County was informed that effective September 23, 2015, the company name of the Consultant has been changed to Arcadis CE Inc. We are advised that this is a name change only and the same office contact personnel will be used to perform the work thus guaranteeing continuity throughout the Agreement.

Therefore, approval is requested to amend Agreement No. 11-925 to reflect the Consultant's new name.

In addition, this project is currently in design and the County has been satisfied with the overall quality of services provided to date by the Consultant. It is anticipated that construction will begin in 2017 after bonding has been authorized. The original Agreement includes design services during construction consisting of shop drawing and submittal review, attendance at project meetings, periodic site visits, preparation of as-built drawings, and final construction closeout. It now appears that the professional services of the Consultant will be required beyond the original Agreement completion date in order to provide design services during construction and construction administration services.

Therefore, authority of your Honorable Board is also requested to amend Agreement No. 11-925 to extend the term thereof until December 31, 2020, with no increase in the not to exceed amount of \$879,871.00.

Except as specifically amended hereby, all other terms and conditions of Agreement No. 11-925 will remain the same.

A 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 (the "County"), acting by and through its Department of Public Works and Transportation (the "Department"), is hereby authorized to amend Agreement No. 11-925 with Malcolm Pirnie, Inc. (the "Consultant"), 44 South Broadway, 15<sup>th</sup> Floor, White Plains, New York 10601, for Engineering Design and Construction Administration Services in connection with the Sewer System Rehabilitation, Blind Brook, Mamaroneck, New Rochelle, Ossining, Peekskill and Yonkers Joint Plant Sanitary Sewer Districts to change the name of the Consultant from Malcolm Pirnie, Inc. to Arcadis CE Inc., effective retroactive to September 23, 2015; and be it further

RESOLVED, that the County, acting by and through the Department, be and is hereby further authorized to amend Agreement No. 11-925 with the Consultant by extending the term thereof until December 31, 2020; and be it further

RESOLVED, that except as specifically amended hereby, all other terms and conditions of Agreement No. 11-925, including the not to exceed amount of \$879,871.00, shall remain the same; and be it further

RESOLVED, that the County Executive or his duly authorized designee be and hereby is authorized and empowered to execute all appropriate contracts or documents necessary to effectuate the purposes of this resolution in the manner prescribed by law.

Original Agreement: \$879,871.00 (Engineering Design and Construction Administration Services)  
This Amendment: \$ 0.00 (Name Change and Term Extension)  
Total: \$879,871.00

## Agreement No. 11-925

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub Object	Bond Act No.	Dollars
Phase II Design/CA	322	60	SBB8501S	6120-03	BA #139-2008	N/A
Phase III Design/CA	322	60	SM08501S	6120-03	BA #140-2008	N/A
Phase III Design/CA	322	60	SOS8501S	6120-03	BA # 96-2014	N/A
Phase III Design/CA	322	60	SPK8501S	6120-03	BA #138-2008	N/A
Phase I-II Design	322	60	SY08506E	6120-03	BA # 79-2010	N/A
Phase I-II CA	322	60	SY08506I	6120-05	BA # 79-2010	N/A
Phase III Design/CA	221	60	0110-0081	4380-SEFS	N/A	N/A

Budget Funding Year(s):     N/A     Start Date:     10/01/2011     End Date:     12/31/2020      
(must match resolution)

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