

64673

**TO:** Board of Acquisition and Contract

**FROM:** Hugh J. Greechan, Jr., PE  
Commissioner of Public Works and Transportation

**DATE:** August 14, 2018

**SUBJECT:** Second Amendment (of a Multi-Phased Agreement) to Agreement No. 13-901 in the matter of

- (1) Assignment of Agreement with Arcadis CE Inc. to Arcadis of New York, Inc.
- (2) Engineering Services in connection with the Eastview Pumping Station, County Water District #3, Towns of Greenburgh and Mount Pleasant, New York

**Consultant:** Arcadis of New York, Inc.  
**Amendment Amount:** \$2,321,100.00

*Subconsultant Approval:* Terry Bergendorff Collins Land Surveying, PLLC (WBE)  
Historical Perspectives, Inc. (WBE)  
Jersey Boring & Drilling Company, Inc. (WBE)  
Nasco Construction Services, Inc. (WBE)

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Pursuant to a Resolution approved on January 31, 2013, the County of Westchester ("County") entered into Agreement Number 13-901 (the "Agreement") with Malcolm Pirnie, Inc. ("Consultant"), 44 South Broadway, 9<sup>th</sup> Floor, White Plains, New York 10601, commencing on March 12, 2013, wherein the Consultant was to provide design and construction administration services in connection with the Eastview Water Distribution Chamber, Towns of Greenburgh and Mount Pleasant, New York. The Agreement was thereafter amended by Resolution approved on February 4, 2016, to change the name of the Consultant to Arcadis CE Inc.

The Department was notified by way of a letter dated July 27, 2018 that all new agreements and amendments with the County and other clients in New York State are to be entered into with the Arcadis of New York, Inc. legal entity. In this regard, Arcadis CE Inc. has requested that the County approve the assignment of Agreement No. 13-901 to Arcadis of New York, Inc. Therefore, Arcadis of New York, Inc. would assume all of the rights and obligations under Agreement No. 13-901. In addition, the same principals and staff shall be assigned to complete the work, thus guaranteeing continuity throughout the Agreement.

The attached Resolution, if approved by your Honorable Board, would authorize the County to execute an agreement consenting to the assignment of Agreement No. 13-901 from Arcadis CE Inc. to Arcadis of New York, Inc., effective as of the date of execution of the assignment.

This is a multiple phase project. Construction for the Phase I Eastview Water Distribution Chamber is substantially complete. The County has been satisfied with the quality of services provided to date by the Consultant. Now that Phase I is substantially complete, the design of the Phase II Eastview Pumping Station can commence.

It is therefore requested that the existing Agreement be further amended to provide for engineering services in connection with the Phase II Eastview Pumping Station, County Water District #3, Towns of Greenburgh and Mount Pleasant, New York. The Consultant shall provide design services associated with Phase II of 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. The County also reserves the right to further amend this Agreement with the Consultant at a future date to provide for subsequent design and construction phase services.

The objective of Phase II of this project is to design and construct a new Drinking Water Pumping Station, Transmission Main and all necessary appurtenances, for County Water District #3 ("CWD #3"), to access ultraviolet ("UV") treated water from the New York City Department of Environmental Protection's ("NYCDEP") new Catskill-Delaware UV Treatment Facility at Eastview. Water was made available to the County from the NYCDEP UV Treatment Facility in Eastview through two 48" pipes that were constructed as part of that project. The proposed water supply piping will feed the County's Eastview Water Distribution Chamber, located across Route 100C (Grasslands Road) from the NYCDEP's Eastview UV Treatment Facility. The new Eastview Water Distribution Chamber will allow CWD #3 and other participating municipalities (Villages of Tarrytown, Sleepy Hollow and Briarcliff Manor) to draw water from the NYCDEP's UV Treatment Facility in order to comply with the United States Environmental Protection Agency's ("EPA") Long Term 2 Enhanced Surface Water Treatment Rule. The proposed Eastview Pumping Station will be located adjacent to the new distribution chamber and will obtain UV treated water directly from the distribution chamber. The new station's pumps will then boost the pressure and feed a direct burial 16-inch transmission main which will carry the water east along Route 100C (Grasslands Road), then north along Woods Road (on the Valhalla Campus) until it reaches a point west of the existing CWD #3 elevated water storage tank. The transmission main will then proceed east under the Sprain Brook Parkway by trenchless methods (pipe jacking, auger boring, or other applicable means) to the existing elevated water storage tank. This connection will then provide CWD #3 with its primary water supply source and the Gate of Heaven Pumping Station, which is the present water source, will serve as the backup in addition to the Greenburgh Booster Station. 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.

The original intent of this Agreement was to have the project performed in multiple phases as subsequent funding became available. The initial phase defined the scope of work and required budget for the subsequent phases of the project 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.

Board of Acquisition and Contract  
Agreement No. 13-901, Second Amendment  
Eastview Pumping Station, County Water District #3  
Arcadis of New York, Inc.  
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The fee for the above services is for an amount of \$2,321,100.00 pursuant to an approved budget, bringing the total Agreement plus Amendments to \$3,009,925.00. The completion date of the Agreement shall be extended to December 31, 2023.

In addition, Arcadis of New York, Inc. has requested the utilization of the following subconsultants: Terry Bergendorff Collins Land Surveying, PLLC (Land Surveying Services), 52 Starr Ridge Road, Brewster, New York 10509; Historical Perspectives, Inc. (Archaeological Investigations), 7 Peter Lane, Westport, Connecticut 06880; Jersey Boring & Drilling Company, Inc. (Geotechnical Evaluation), 36 Pier Lane West, Fairfield, New Jersey 07004; and Nasco Construction Services, Inc. (Construction Cost Estimating Services), 200 Business Park Drive, Armonk, New York 10504.

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.

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

HJG/LR/AS

# RESOLUTION

Upon 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. 13-901 ("Agreement"), dated March 12, 2013, for design and construction administration services in connection with the Eastview Water Distribution Chamber, Towns of Greenburgh and Mount Pleasant, New York, from Arcadis CE Inc. to Arcadis of New York, Inc. ("Consultant"), 44 South Broadway, 9<sup>th</sup> Floor, White Plains, New York 10601, 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, Arcadis of New York, Inc. will comply with all contract provisions; and be it further

RESOLVED, that the existing Agreement between the County and the Consultant be amended to provide for engineering services in connection with the Phase II Eastview Pumping Station, County Water District #3, Towns of Greenburgh and Mount Pleasant, New York. The Consultant shall provide design services associated with Phase II of 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. The County also reserves the right to further amend this Agreement with the Consultant at a future date to provide for subsequent design and construction phase services; and be it further

RESOLVED, that for the additional services rendered Arcadis of New York, Inc., shall be paid a fee of \$2,321,100.00 pursuant to an approved budget, increasing the total maximum fee to \$3,009,925.00; and be it further

RESOLVED, that the use of the following subconsultants also be approved: Terry Bergendorff Collins Land Surveying, PLLC (Land Surveying Services), 52 Starr Ridge Road, Brewster, New York 10509; Historical Perspectives, Inc. (Archaeological Investigations), 7 Peter Lane, Westport, Connecticut 06880; Jersey Boring & Drilling Company, Inc. (Geotechnical Evaluation), 36 Pier Lane West, Fairfield, New Jersey 07004; and Nasco Construction Services, Inc. (Construction Cost Estimating Services), 200 Business Park Drive, Armonk, New York 10504; and be it further

RESOLVED, that the completion date of the Agreement shall be extended to December 31, 2023; and be it further

# RESOLUTION

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

|                    |    |                     |  |
|--------------------|----|---------------------|--|
| Original Agreement | \$ | 688,825.00          | (Design & CA Services – Phase I Eastview Water Distribution Chamber) |
| First Amendment    |    | 0.00                | (Consultant Name Change)   |
| This Amendment     |    | <u>2,321,100.00</u> | (Assignment & Design Services – Phase II Eastview Pumping Station)   |
| TOTAL              | \$ | 3,009,925.00        |  |

Agreement No. 13-901

Account to be Charged/Credited

| Fund | Dept | Major Program, Program & Phase or Unit | Object/ Sub Object | Bond Act No. | Dollars         |
|------|------|--|--------------------|--------------|-----------------|
| 324  | 60   | WD305-01-E                             | 6120-03            | BA #197-2017 | \$ 2,321,100.00 |
|      |      |  |                    |              |                 |
|      |      |  |                    |              |                 |

Budget Funding Year(s): 2018 Start Date: 03/12/13 End Date: 12/31/23  
 (must match resolution)

|   |                              |
|---|------------------------------|
| Funding Source: Tax Dollars: <u>100% County</u> | Contractor Federal I.D. No./ |
| State Aid: _____                                | Social Security No.: _____   |
| <u>\$ 2,321,100.00</u> Federal Aid: _____       | Vendor No.: _____            |
| (must match resolution) Other: _____            | Encumbrance No.: _____       |