

65094

**TO:** Board of Acquisition and Contract

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

**DATE:** September 18, 2018

**SUBJECT:** Third Amendment to Agreement No. 11-935 in the matter of

- (1) Changing the name of the Consultant to Hazen and Sawyer, D.P.C.
- (2) Engineering Services in connection with the Tarrytown Pump Station Rehabilitation, Saw Mill Sewer District, Tarrytown, New York

**Consultant:** Hazen and Sawyer, D.P.C.  
**Amendment Amount:** \$460,361.00

Pursuant to a Resolution approved on December 22, 2011, the County of Westchester ("County") entered into Agreement Number 11-935 (the "Agreement") with Hazen and Sawyer, P.C. ("Consultant"), 498 Seventh Avenue, New York, New York 10018, commencing on January 24, 2012, wherein the Consultant was to provide design and construction administration services in connection with the Tarrytown Pump Station Rehabilitation, Saw Mill Sewer District, Tarrytown, New York. The Agreement was thereafter amended by Resolution approved on October 2, 2014, to provide additional design services associated with the Tarrytown Pump Station Rehabilitation. The Agreement was thereafter further amended by Resolution approved on October 19, 2017, to provide additional design and construction administration services associated with the Tarrytown Pump Station Rehabilitation.

Upon subsequent notification from the Consultant, the County was informed that effective March 2, 2015, the company name of the Consultant has been changed to Hazen and Sawyer, D.P.C. 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 the Agreement to reflect the correct name of the Consultant.

The Tarrytown Pump Station is being rehabilitated in two (2) phases. During the Phase I construction of this project, unexpected conditions were encountered which required additional work to complete the specified project including: unforeseen construction issues involving valve performance, instrumentation and control modifications, replacement of slide gates, switchgear main breaker modifications, relocation of influent sluice gate controls, and gas booster revisions; and additional Con Edison requirements regarding replacement of natural gas service.

It is therefore requested that the existing Agreement be amended ("Amendment") to provide for engineering services in connection with the Tarrytown Pump Station Rehabilitation, Saw Mill Sewer District, Tarrytown, New York. The Consultant shall provide additional design and construction administration services associated with this project that address unforeseen construction issues which are outside of the scope of work included in the existing Agreement. Additional design services shall include design services during construction consisting of shop drawing and submittal reviews, attendance at project meetings, periodic site visits and preparation of as-built drawings. For additional 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 rehabilitate essential systems and components at the Tarrytown Pump Station. This work is necessary to improve the energy efficiency and reliability of the pump station's integral systems. Neglecting to upgrade these critical elements of the pump station may result in a failure, including the occurrence of a sewage overflow emergency that could allow sewage into the surrounding properties and cause violations of the pump station's State Pollutant Discharge Elimination System ("SPDES") Permit. This Amendment will benefit the public as it will ensure that the pump station's operations are safe and environmentally compliant, thereby enhancing the health and general welfare of the residents of Westchester County.

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.

The fee for the above services is for an amount of \$460,361.00 pursuant to an approved budget, bringing the total Agreement plus Amendments to \$2,889,869.27. The completion date of the Agreement shall be extended to December 31, 2023.

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

## Agreement No. 11-935

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

RESOLVED, that the County of Westchester (“County”) is hereby authorized to amend Agreement No. 11-935 (“Agreement”) with Hazen and Sawyer, P.C. (“Consultant”), 498 Seventh Avenue, New York, New York 10018, for Engineering Services in connection with the Tarrytown Pump Station Rehabilitation, Saw Mill Sewer District, Tarrytown, New York to change the name of the Consultant to Hazen and Sawyer, D.P.C., effective retroactive to March 2, 2015; 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 Tarrytown Pump Station Rehabilitation, Saw Mill Sewer District, Tarrytown, New York. The Consultant shall provide additional design and construction administration services associated with this project that address unforeseen construction issues which are outside of the scope of work included in the existing Agreement. Additional design services shall include design services during construction consisting of shop drawing and submittal reviews, attendance at project meetings, periodic site visits and preparation of as-built drawings. For additional 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 the additional services rendered Hazen and Sawyer, D.P.C., shall be paid a fee of \$460,361.00 pursuant to an approved budget, increasing the total maximum fee to \$2,889,869.27; 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	\$ 799,636.00	(Design & CA Services – Tarrytown Pump Station Rehabilitation)
First Amendment	99,942.00	(Additional Design Services – Tarrytown Pump Station Rehabilitation)
Second Amendment	1,529,930.27	(Additional Design & CA Services – Tarrytown Pump Station Rehabilitation)
This Amendment	<u>460,361.00</u>	(Additional Design & CA Services – Tarrytown Pump Station Rehabilitation)
TOTAL	\$ 2,889,869.27	

Agreement No. 11-935

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub Object	Bond Act No.	Dollars
	322	60	SSM74-00-E	6120-03	BA #122-2013	\$ 10,000.00
	322	60	SSM74-01-E	6120-03	BA #122-2013	\$ 10,000.00
	322	60	SSM74-01-I	6120-05	BA #145-2017	\$ 10,000.00
	322	60	SY020-00-E	6120-03	BA #137-2011	\$ 232,361.00
	322	60	SY020-00-I	6120-05	BA #137-2011	\$ 198,000.00

Budget Funding Year(s): 2018 Start Date: 01/24/12 End Date: 12/31/23  
 (must match resolution)

Funding Source: Tax Dollars: 100% County Contractor Federal I.D. No./ Social Security No.: \_\_\_\_\_  
 State Aid: \_\_\_\_\_  
\$ 460,361.00 Federal Aid: \_\_\_\_\_ Vendor No.: \_\_\_\_\_  
 (must match resolution) Other: \_\_\_\_\_ Encumbrance No.: \_\_\_\_\_