

74045

**TO:** Board of Acquisition and Contract  
**FROM:** Hugh J. Greechan, Jr., P.E.  
Commissioner of Public Works and Transportation  
**DATE:** January 17, 2020  
**SUBJECT:** SECOND AMENDMENT TO AGREEMENT NO. 17-916  
Authority to Enter into an Agreement with the State of New York for the Construction Phase For PIN 8761.67 - Bridge Replacement of Albany Post Road over Canopus (Sprout) Brook (BIN 1050460) in the Town of Cortlandt, Westchester County, New York

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On April 20, 2017, your Honorable Board authorized the County of Westchester ("County") to enter into an Agreement with the State of New York, acting by and through the New York State Department of Transportation ("NYSDOT") wherein NYSDOT agreed to administer the Right-of-Way Incidental Phase for PIN 8761.67, Bridge Replacement of Albany Post Road over Canopus (Sprout) Brook (BIN 1050460), in the Town of Cortlandt, Westchester County, New York. The County agreed to provide New York State the non-federal aid share of this work in the amount of \$1,350.00 with the federal share of these costs applied directly by NYSDOT in the amount of \$25,650.00, for a total of \$27,000.00 ("Original Agreement").

On April 12, 2018, your Honorable Board authorized the County to amend the existing Agreement with NYSDOT to continue to administer the Right-of-Way Incidental Phase for PIN 8761.67, Bridge Replacement of Albany Post Road over Canopus (Sprout) Brook (BIN 1050460), in the Town of Cortlandt, Westchester County, New York. The County provided New York State the additional non-federal aid share of the work in the amount of \$400.00 with the federal share of these costs applied directly by NYSDOT in the additional amount of \$7,600.00, for a total of \$8,000.00 ("First Amendment"). The total contract amount for the Original Agreement and the First Amendment shall be an amount not to exceed \$35,000.00.

Authority is requested for the County to amend the existing Agreement with NYSDOT, wherein NYSDOT shall provide federal funds for the construction phase in a sum not to exceed \$4,944,750.00 for PIN 8761.67, Bridge Replacement of Albany Post Road over Canopus (Sprout) Brook (BIN 1050460), in the Town of Cortlandt, Westchester County, New York. The County share of the construction phase of the project will be \$1,420,250.00.

This bridge rehabilitation project is in the public's best interest in that successful completion of the project will increase motorist safety through the rehabilitation of a substandard bridge. Likewise, the use of federal funds reduces the impacts of this project on the local tax base. Energy and environmental effects are positive as closure of the bridge would result in significant detours and congestion.

The Congress of the United States has provided for the apportionment of Federal Aid Highway funds to the State for the purposes of carrying out Federal Aid Highway Projects pursuant to the applicable sections of Title 23, US Code, as amended, and the New York State Highway Law authorizes the Commissioner of Transportation of the State of New York to use monies of the Federal Government available under the Federal Aid Highway Acts and provides for the consent to and approval by the County of any project under the Federal Aid Highway Program which is not on the State Highway System.

This Department will track scheduling and accomplishments during construction to insure the successful completion of this project.

The proposed form of Resolution to accomplish the foregoing is attached hereto.

APPROVED BOARD OF ACQUISITION & CONTRACT - 01/23/2020 - LISA MARIJAJ, SECRETARY

# RESOLUTION

## Agreement No. 17-916, Second Amendment

Upon communication from the Commissioner of Public Works and Transportation,

**WHEREAS**, a project for the Bridge Replacement of Albany Post Road over Canopus (Sprout) Brook (BIN 1050460) in the Town of Cortlandt, Westchester County, New York, identified as PIN 8761.67 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 95% federal funds and 5% non-federal funds, with the not to exceed amount of \$4,978,000.00 in federal funds; and

**WHEREAS**, the County of Westchester ("County") desires to advance the Project by making a commitment of 100% of the non-federal share of the costs for the Construction Phase of the Project or portions thereof, with the federal share of such costs (\$4,944,750.00) to be applied directly by the New York State Department of Transportation ("NYSDOT") pursuant to the Agreement; now, therefore be it

**RESOLVED**, that the County be and hereby is authorized to amend the existing Agreement with the State of New York, acting by and through the New York State Department of Transportation in connection with the Construction Phase of the Project; and be it further

**RESOLVED**, that the Westchester County Board of Acquisition and Contract hereby authorizes the County to pay in the first instance the full non-federal share of the Construction Phase of the Project, or portions thereof; and be it further

**RESOLVED**, that the County hereby agrees that construction of the Project shall be completed within three (3) years of commencing construction; and be it further

**RESOLVED**, that the County shall be responsible for all costs of the project which exceeds the amount of the NY Bridge Funding awarded to Westchester County; and be it further

**RESOLVED**, that the County Executive or his duly appointed designee be, and hereby is authorized to execute all necessary Agreements, certifications or reimbursement requests for federal aid and/or state aid on behalf of Westchester County with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal aid and state aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and be it further

**RESOLVED**, that a certified copy of this resolution shall be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and be it further

**RESOLVED**, that this resolution shall take effect immediately.

## RESOLUTION

Agreement	Total	Federal*	State	County
Original Agreement:	\$27,000.00	\$ 25,650.00	\$0.00	\$1,350.00
1 <sup>st</sup> Amendment:	\$8,000.00	\$7,600.00	\$0.00	\$ 400.00
2 <sup>nd</sup> Amendment:	\$6,365,000.00	\$4,944,750.00	\$0.00	\$1,420,250.00
<b>TOTAL:</b>	<b>\$6,400,000.00</b>	<b>\$4,978,000.00</b>	<b>\$0.00</b>	<b>\$1,422,000.00</b>

\*Federal Aid apportioned directly to NYSDOT

### Second Amendment to Agreement No. 17-916

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Bond Act No.	Dollars
	366	46	RB03P01C	9633	BA # 76-17	\$ 4,944,750.00
	366	46	RB03P01C	9632	BA # 76-17	\$ 1,420,250.00

Budget Funding Year(s) 2020 Start Date 2/1/2020 End Date 12/31/2021  
 (must match resolution)

Funding Source: Tax Dollars \$ 1,420,250.00 Contractor Federal I.D. No./  
 State Aid \$ 0.00 Social Security No.: \_\_\_\_\_

\$6,365,000.00 Federal Aid \$ 4,944,750.00 Vendor No.: 991642  
 (must match resolution) Other \_\_\_\_\_ Encumbrance No.: \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT - 01/23/2020 - LISA M. HARRIS, SECRETARY