

TO: Board of Acquisition and Contract

FROM: John J. Hsu, PE
Acting Commissioner of Public Works

DATE: February 26, 2010

SUBJECT: First Amendment (of a Multi-Phased Agreement) to Agreement No. 09-903
In the matter of Engineering Services in connection with the
Inspection and Maintenance Plans for Six (6) Westchester County Class B Dams
Consultant: Stearns & Wheler, LLC
Amendment Amount: \$41,900.00

Authority of your Honorable Board is requested to amend the existing Agreement between the County of Westchester and Stearns & Wheler, LLC, One Remington Park Drive, Cazenovia, New York 13035. The original Agreement dated February 19, 2009, was for engineering services associated with the remedial investigation, design and construction administration 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.

It is requested that the existing Agreement be amended to provide for inspection services associated with the Inspection and Maintenance Plans for Six (6) Westchester County Class B Dams. For the Inspection and Maintenance Plans, the consultant shall conduct site visits to examine all six (6) Class B Dams and shall prepare separate Inspection and Maintenance Plans for each dam in accordance with NYSDEC guidelines.

The objective of this project will be to inspect and maintain various dams in Westchester County. This work is necessary to ensure that all dams owned and maintained by the County are in conformance with all NYSDEC regulations regarding dam safety. This agreement will benefit the public as it will ensure that areas adjacent to various County owned dams may be safely occupied.

This agreement addresses the County Executive's priority area of Safety and Security. If the work contemplated in connection with this resolution is not addressed at this time, County owned dams may deteriorate to an unacceptable level and potentially fail causing loss of life and property damage to nearby residents.

The department will utilize Primavera Software Management tools to track scheduling and accomplishments by the consultant and perform on-site inspections to ensure the successful completion of tasks. It is recognized and understood that the County shall evaluate the performance of this contract by the consultant and shall use such evaluation in deciding to award future contracts to the consultant.

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

The fee for the above services is for an amount of \$41,900.00, pursuant to an approved budget, bringing the total Agreement plus Amendments to \$266,900.00. The completion date of the Agreement shall be extended to December 31, 2012.

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

RESOLUTION

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

RESOLVED, that the existing Agreement between the County of Westchester and Stearns & Wheler, LLC, One Remington Park Drive, Cazenovia, New York 13035, be amended to provide for inspection services associated with the Inspection and Maintenance Plans for Six (6) Westchester County Class B Dams. For the Inspection and Maintenance Plans, the consultant shall conduct site visits to examine all six (6) Class B Dams and shall prepare separate Inspection and Maintenance Plans for each dam in accordance with NYSDEC guidelines; and be it further

RESOLVED, that for the additional services rendered in accordance with the consultant's proposal for the second phase of this multi-phase project, Stearns & Wheler, LLC, shall be paid a fee of \$41,900.00 pursuant to an approved budget, increasing the total maximum fee to \$266,900.00; and be it further

RESOLVED, that the completion date of the Agreement shall be extended to December 31, 2012; and be it further

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.

JJH/PTK/ALL/AS

Original Agreement	\$	225,000.00	(Engineering Services for NYSDEC Consent Order - NR Reservoir #3/Pocantico Dam)
This Amendment		<u>41,900.00</u>	(Inspection and Maintenance Plans for Six (6) Westchester County Class B Dams)
TOTAL	\$	266,900.00	

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	RGIP800E	6120-03		\$ 41,900.00

Budget Funding Year(s): 2010 Start Date: 03/01/10 End Date: 12/31/12
 (must match resolution)

Funding Source: Tax Dollars: 100% County Contractor Federal I.D. No./
 State Aid: _____ Social Security No.: 15-0592287
\$41,900.00 Federal Aid: _____ Vendor No.: _____
 (must match resolution) Other: _____ Encumbrance No.: _____