

82979

TO: Board of Acquisition and Contract

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

DATE: March 2, 2021

SUBJECT: Sixth Amendment (of a Multi-Phased Agreement) to Agreement No. 03-941
In the matter of Engineering Services in connection with the Phase III -
Pump Station Rehabilitation Program, Mamaroneck Sewer District

Consultant: **GHD Consulting Services Inc.**
Amendment Amount: **\$595,600.00**

Pursuant to a Resolution approved on September 2, 2004, the County of Westchester ("County") entered into Agreement Number 03-941 ("Agreement") with Stearns & Wheler, LLC ("Consultant"), 5788 Widewaters Parkway, Syracuse, New York, 13214, commencing on September 6, 2004, wherein the Consultant was to provide engineering services associated with the Phase I - Pump Station Rehabilitation Program of Various Locations in Westchester County, New York.

The Agreement was thereafter amended by Resolution approved October 16, 2008, for engineering services associated with the Phase II - Pump Station Rehabilitation Program of Various Locations in the Mamaroneck and New Rochelle Sewer Districts.

The Agreement was thereafter further amended by Resolution approved February 21, 2013, to change the name of the Consultant to GHD Consulting Engineers, LLC and to provide for design and construction administration services associated with Phase III - Pump Station Rehabilitation Program in the Mamaroneck Sewer District.

The Agreement was thereafter further amended by Resolution approved July 25, 2013, to provide for continued construction administration services and design services during construction for the additional time during which construction activities have been extended in connection with the Phase II - Pump Station Rehabilitation Program in the New Rochelle Sewer District.

The Agreement was thereafter further amended by Resolution approved February 20, 2014, to assign the Agreement from GHD Consulting Engineers, LLC to GHD Consulting Services Inc. and to provide for additional construction administration services and design services during construction for the additional time during which construction activities have been extended in connection with the Phase II - Pump Station Rehabilitation Program in the New Rochelle Sewer District.

The Agreement was thereafter further amended by Resolution approved October 25, 2018, to provide for additional construction administration services and design services during construction for the additional time during which construction activities have been extended in connection with the Phase III - Pump Station Rehabilitation Program in the Mamaroneck Sewer District and to extend the term of the Agreement to December 31, 2021.

The engineering services included in the original Agreement are in progress. The County has been satisfied with the quality of services provided to date. Phase III of the Pump Station Rehabilitation Program, which includes the East Basin Pump Station, West Basin Pump Station, and Edgewater Point Pump Station (all in the Mamaroneck Sewer District), is currently in the punch list phase of construction. A construction contract for this project was awarded to ECCO III Enterprises, Inc. on November 19, 2015. Contract completion has been delayed due to the need for the transfer of an easement from the Village of Mamaroneck to the County in order to allow for construction of the above ground portion of the West Basin Pump Station within Harbor Island Park, which required New York State approval. Due to the extended construction time frame, additional design services during construction and construction administration services are necessary at this time. The County has also decided to proceed with further proposed improvements at the Edgewater Point Pump Station that requires the Consultant to provide additional engineering services.

Authority of your Honorable Board is therefore requested to further amend the existing Agreement to provide for additional engineering services in connection with the Phase III - Pump Station Rehabilitation Program in the Mamaroneck Sewer District. Phase III of this Rehabilitation Program includes the East Basin Pump Station, West Basin Pump Station, and Edgewater Point Pump Station, all located in the Mamaroneck Sewer District. The Consultant shall provide additional design services and construction administration services associated with 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. For 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 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.

The objective of this project is to upgrade and rehabilitate pump stations in the Mamaroneck Sewer District. These stations suffer significant wear and tear due to use and require rehabilitation every 15 to 20 years. This program will ensure the continued use of these stations into the future. Neglecting to upgrade these critical facilities may result in future failures, including the occurrence of a sewage overflow emergency that could allow sewage into the surrounding properties and cause violations of the County's State Pollutant Discharge Elimination System ("SPDES") Permit. 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 design and construction administration performed in multiple phases as subsequent funding became available. The initial design phase defined the scope of work and required budget for the subsequent phases of design and construction administration for which funding has been approved.

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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 \$595,600.00 pursuant to an approved budget, bringing the total Agreement plus Amendments to \$5,198,535.00. The completion date of the Agreement shall be extended to December 31, 2025.

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

HJG/LR/as

RESOLUTION

Agreement No. 03-941, Sixth Amendment

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

RESOLVED, that existing Agreement Number 03-941 (“Agreement”) between the County of Westchester (“County”) and GHD Consulting Services Inc. (“Consultant”), 5788 Widewaters Parkway, Syracuse, New York 13214, be amended to provide for additional engineering services in connection with the Phase III - Pump Station Rehabilitation Program in the Mamaroneck Sewer District. Phase III of this Rehabilitation Program includes the East Basin Pump Station, West Basin Pump Station, and Edgewater Point Pump Station, all located in the Mamaroneck Sewer District. The Consultant shall provide additional design services and construction administration services associated with 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. For 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 in accordance with the Consultant’s proposal for this phase of this multi-phase project, GHD Consulting Services Inc., shall be paid a fee of \$595,600.00 pursuant to an approved budget, increasing the total maximum fee to \$5,198,535.00; and be it further

RESOLVED, that the completion date of the Agreement shall be extended to December 31, 2025; 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	\$ 1,614,324.00	(Phase I Design & Const. Admin. Services)
First Amendment	1,372,600.00	(Phase II Design & Const. Admin. Services)
Second Amendment	1,181,000.00	(Phase III Design & Const. Admin. Services)
Third Amendment	140,000.00	(Phase II Continued CA Services and Design Services During Construction)
Fourth Amendment	93,000.00	(Phase II Additional CA Services and Design Services During Construction)
Fifth Amendment	202,011.00	(Phase III Additional CA Services and Design Services During Construction)
This Amendment	<u>595,600.00</u>	(Phase III Additional Design & Const. Admin. Services)
TOTAL	\$ 5,198,535.00	

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Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub Object	Bond Act No.	Dollars
	322	60	SM075-07-E	6120-03	BA #125-2006 BA # 69-2014	\$ 79,000.00
	322	60	SM075-07-I	6120-05	BA #125-2006 BA # 69-2014	\$ 24,000.00
	322	60	SM075-08-E	6120-03	BA #134-2011 BA # 69-2014	\$ 245,970.00
	322	60	SM075-08-I	6120-05	BA #134-2011 BA # 69-2014	\$ 246,630.00

Budget Funding Year(s): 2021 Start Date: 09/06/04 End Date: 12/31/25
(must match resolution)

Funding Source: Tax Dollars: 100% County Contractor Federal I.D. No./
State Aid: _____ Social Security No.: _____
\$ 595,600.00 Federal Aid: _____ Vendor No.: _____
(must match resolution) Other: _____ Encumbrance No.: _____