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TO: Board of Acquisition and Contract
FROM: Hugh J. Greechan, Jr., PE
Commissioner of Public Works and Transportation
DATE: March 9, 2021
SUBJECT: First Amendment to Agreement No. 18-917 in the matter of:

(1) Authorization for the County of Westchester, acting by and through its Department of Public Works and Transportation ("Department"), to execute an agreement consenting to the assignment of Agreement No. 18-917 with Louis Berger U.S., Inc. to WSP USA Inc.

(2) Amendment for Engineering Services in connection with the Rehabilitation of Bronx River Parkway and Two Bridges (BIN 3348999 and BIN 3348950), Cities of Mount Vernon and Yonkers, New York

Consultant: WSP USA Inc.
Amendment Amount: \$199,798.46

Pursuant to a Resolution approved on March 7, 2019, the County of Westchester ("County") entered into Agreement No. 18-917 ("Agreement"), dated March 22, 2019, with Louis Berger U.S., Inc. ("Consultant"), 500 Summit Lake Drive, Suite 450, Valhalla, New York 10595, wherein the Consultant was to provide construction administration services associated with the Rehabilitation of Bronx River Parkway and Two Bridges (BIN 3348999 and BIN 3348950), Cities of Mount Vernon and Yonkers, New York. The Agreement expires on December 31, 2023.

The Department was notified by letter dated February 10, 2021 that Louis Berger U.S., Inc. was acquired by WSP USA Inc. on December 18, 2018. The Department has been notified that WSP USA Inc. is the successor firm to Louis Berger U.S., Inc. In this regard, Louis Berger U.S., Inc. has requested that the County approve the assignment of Agreement No. 18-917 to WSP USA Inc. Therefore, WSP USA Inc. would assume all of the rights and obligations under Agreement No. 18-917. In addition, the same principals and staff shall be assigned to complete the work, thus guaranteeing continuity to the project.

The attached Resolution, if approved by your Honorable Board, would authorize the County to execute an agreement consenting to the assignment of Agreement No. 18-917 from Louis Berger U.S., Inc. to WSP USA Inc., 500 Summit Lake Drive, Suite 450, Valhalla, New York 10595, effective as of the date of execution of the assignment.

The objective of this assignment is in the County's best interest as it will provide for uninterrupted consulting services pursuant to Agreement No. 18-917 for the Department project contained therein.

The engineering services included in the original Agreement have been in progress. The County has been satisfied with the quality of services provided to date. Construction contracts for this project were awarded to Arben Group LLC on June 6, 2019 and Montesano Brothers Inc. on January 9, 2020. Due to unforeseen field conditions, construction is expected to take longer than originally anticipated. Due to the extended construction time frame, additional construction administration services are necessary at this time.

Authority of your Honorable Board is therefore requested to amend the existing Agreement between the County and the Consultant to provide for additional engineering services in connection with the Rehabilitation of Bronx River Parkway and Two Bridges (BIN 3348999 and BIN 3348950), Cities of Mount Vernon and Yonkers, New York. The Consultant shall provide additional construction administration services associated with this project. 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 objective of this project will be to rehabilitate the Bronx River Parkway and two bridges that are owned and maintained by the County. This work is necessary due to deterioration of the roadway and bridges. The following two bridges will be rehabilitated in this project:

- Bronx River Parkway NB Ramp Bridge over Bronx River Parkway to Cross County Parkway WB (BIN 3348999)
- Midland Avenue Bridge over Bronx River Parkway (BIN 3348950)

Roadway work items shall include, but are not limited to, the following: milling, resurfacing, catch basin repair, drainage improvements, new pavement markings, shoulder widening, guiderail replacement, and median barrier replacement. Bridge work items for BIN 3348999 shall include, but are not limited to, the following: milling and paving asphalt approaches, replacement of the of the existing bridge deck, approach slabs, guide rail and pedestrian fence, repairs to the concrete abutment, back wall and impact damaged steel, repointing of stone, and the installation of bridge joint system, and illuminated warning signs. Steel girder modifications will also be implemented increasing the vertical clearance to 14'6" feet in the southbound direction. Bridge work items for BIN 3348950 shall include, but are not limited to, the following: removal and replacement of existing cap beam and portions of the columns, patching abutments and wingwalls, and removal/ sealing of joints. This Agreement will benefit the public as it will enhance the functionality of each bridge structure and roadway ensuring its safe use by the traveling public.

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 \$199,798.46 pursuant to an approved budget, bringing the total Agreement plus Amendment to \$2,099,798.46. The completion date of the Agreement shall remain December 31, 2023.

The Department 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/NS/KMR/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. 18-917 ("Agreement"), dated March 22, 2019, and as subsequently amended, for engineering services associated with the Rehabilitation of Bronx River Parkway and Two Bridges (BIN 3348999 and BIN 3348950), Cities of Mount Vernon and Yonkers, New York, from Louis Berger U.S., Inc. to WSP USA Inc. ("Consultant"), 500 Summit Lake Drive, Suite 450, Valhalla, New York 10595, 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, the Consultant 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 Rehabilitation of Bronx River Parkway and Two Bridges (BIN 3348999 and BIN 3348950), Cities of Mount Vernon and Yonkers, New York. The Consultant shall provide additional construction administration services associated with this project. 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, the Consultant shall be paid a fee of \$199,798.46 pursuant to an approved budget, increasing the total maximum fee to \$2,099,798.46; 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.

Original Agreement	\$	1,900,000.00	(Construction Administration Services)
This Amendment		<u>199,798.46</u>	(Assignment of Agreement & Additional Construction Administration Services)
TOTAL	\$	2,099,798.46	

Agreement No. 18-917

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub Object	Bond Act No.	Dollars
	371	46	P0024-01-I	6120-05	BA #189-2019	\$ 199,798.46

Budget Funding Year(s): 2021 Start Date: 03/22/19 End Date: 12/31/23
 (must match resolution)

Funding Source: Tax Dollars: 100% County Contractor Federal I.D. No./
 State Aid: _____ Social Security No.: _____
 \$ 199,798.46 Federal Aid: _____ Vendor No.: _____
 (must match resolution) Other: _____ Encumbrance No.: _____