

85212

TO: Board of Acquisition and Contract

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

DATE: May 25, 2021

SUBJECT: Second Amendment to Agreement No. 11-907 in the matter of Engineering Services in connection with the Primary, Secondary, Heating and Chemical Handling Upgrades, Mamaroneck Wastewater Treatment Plant, Mamaroneck, New York

Consultant: Dvirka and Bartilucci Consulting Engineers,
a Division of D&B Engineers and Architects, P.C.

Amendment Amount: \$259,270.00

The County of Westchester ("County"), acting by and through its Department of Public Works and Transportation ("Department"), entered into Agreement Number 11-907 ("Agreement"), dated June 3, 2011, with Dvirka and Bartilucci Consulting Engineers, A Division of William F. Cosulich Associates, P.C. ("Consultant"), 4 West Red Oak Lane, Suite 315, White Plains, New York 10604, wherein the Consultant was to provide design services associated with the Primary, Secondary, Heating and Chemical Handling Upgrades, Mamaroneck Wastewater Treatment Plant, Mamaroneck, New York. The Agreement was thereafter amended by Resolution approved July 28, 2016, to change the name of the Consultant from Dvirka and Bartilucci Consulting Engineers, A Division of William F. Cosulich Associates, P.C. to Dvirka and Bartilucci Consulting Engineers, a Division of D&B Engineers and Architects, P.C., to provide additional design services and construction administration services associated with this project, and to extend the term of the Agreement to December 31, 2020.

The engineering services included in the original Agreement are in progress. The County has been satisfied with the quality of services provided to date. A construction contract for this project was awarded to ECCO III Enterprises, Inc. on January 10, 2019. Due to unforeseen field conditions, construction is expected to take longer than originally anticipated. Due to the extended construction time frame, additional design and construction administration services are necessary at this time.

It is therefore requested that the existing Agreement be further amended retroactively from December 31, 2020 to provide for additional engineering services in connection with the Primary, Secondary, Heating and Chemical Handling Upgrades, Mamaroneck Wastewater Treatment Plant, Mamaroneck, New York. The Consultant shall provide additional design and construction administration services associated with this project. Additional design services shall include 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.

Board of Acquisition and Contract
Agreement No. 11-907, Second Amendment
Primary, Secondary, Heating and Chemical Handling Upgrades,
Mamaroneck Wastewater Treatment Plant, Mamaroneck, New York
Dvirka and Bartilucci Consulting Engineers, a Division of D&B Engineers and Architects, P.C.
Page 2

The objective of this project is to replace and upgrade process equipment associated with the primary, secondary, heating and chemical handling areas at the Mamaroneck Wastewater Treatment Plant. Work will include upgrading of primary and final effluent pumps, valves, piping, instrumentation and control panels, as well as replacement of chemical tanks and plant heating boilers along with all associated piping, valves and controls. The referenced primary system process equipment dates back to 1962 and the plant was upgraded to secondary treatment in 1982. Therefore, both the primary and secondary process equipment have reached the end of their useful lives and require replacement to ensure process reliability and environmentally compliant operation of the treatment plant. Neglecting to upgrade these critical elements of the plant 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 plant's State Pollutant Discharge Elimination System ("SPDES") Permit. This Agreement will benefit the public as it will ensure that the plant'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 \$259,270.00 pursuant to an approved budget, bringing the total Agreement plus Amendments to \$1,431,387.55. The completion date of the Agreement shall be extended to December 31, 2024.

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/LR/as

RESOLUTION

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

RESOLVED, that the existing Agreement No. 11-907 (“Agreement”) between the County of Westchester (“County”) and Dvirka and Bartilucci Consulting Engineers, a Division of D&B Engineers and Architects, P.C. (“Consultant”), 4 West Red Oak Lane, Suite 315, White Plains, New York 10604, be amended retroactively from December 31, 2020 to provide for additional engineering services in connection with the Primary, Secondary, Heating and Chemical Handling Upgrades, Mamaroneck Wastewater Treatment Plant, Mamaroneck, New York. The Consultant shall provide additional design and construction administration services associated with this project. Additional design services shall include 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, Dvirka and Bartilucci Consulting Engineers, a Division of D&B Engineers and Architects, P.C., shall be paid a fee of \$259,270.00 pursuant to an approved budget, increasing the total maximum fee to \$1,431,387.55; and be it further

RESOLVED, that the completion date of the Agreement shall be extended to December 31, 2024; 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	\$ 557,624.00	(Design Services)
First Amendment	614,493.55	(Additional Design and Construction Administration Services)
This Amendment	<u>259,270.00</u>	(Additional Design and Construction Administration Services)
TOTAL	\$ 1,431,387.55	

Agreement No. 11-907

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub Object	Bond Act No.	Dollars
	322	60	SLI04-01-E	6120-03	BA #3-2021	\$115,707.00
	322	60	SLI04-01-I	6120-05	BA #3-2021	\$143,563.00

Budget Funding Year(s): 2021 Start Date: 06/03/11 End Date: 12/31/24
 (must match resolution)

Funding Source: Tax Dollars: 100% County Contractor Federal I.D. No./ Social Security No.: _____

State Aid: _____ Vendor No.: _____
\$259,270.00 Federal Aid: _____

(must match resolution) Other: _____ Encumbrance No.: _____