

86790

TO: Board of Acquisition and Contract
FROM: Hugh J. Greechan, Jr., P.E.
Commissioner of Public Works and Transportation
DATE: August 10, 2021
SUBJECT: FIRST AMENDMENT TO AGREEMENT NO. 18-929
Authority to Enter into an Agreement with the State of New York for
PIN 8762.10 – Westchester County Pedestrian Safety Improvements, Various Municipalities,
Westchester County, New York

On October 25, 2018, your Honorable Board authorized the County of Westchester (the “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 shall provide federal funds in a sum not to exceed \$25,000.00 for the design phase with a total of \$775,000.00 for the entire project for PIN 8762.10 – Westchester County Pedestrian Safety Improvements, Various Municipalities, Westchester County, New York.

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 \$750,000.00 for PIN 8762.10 – Westchester County Pedestrian Safety Improvements, Various Municipalities, Westchester County, New York.

This pedestrian safety project is in the public’s best interest in that successful completion of the project will increase pedestrian safety through the installation of countdown times, high visibility crosswalk markings and new pedestrian signals/ADA ramps. Likewise, the use of Federal funds reduces the impacts of this project on the local tax base. Energy and environmental effects are positive through the indirect reduction of collision rates.

The County is responsible for undertaking all phases, including the payment in the first instance of one hundred (100) percent of the federal and non-federal funds for the preliminary engineering, detailed design, construction and construction inspection phases of this project, following Federal and New York State guidelines and procedures to insure reimbursement.

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 Westchester 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.

RESOLUTION

Upon communication from the Commissioner of Public Works and Transportation,

WHEREAS, a project for Westchester County Pedestrian Safety Improvements, Various Municipalities, Westchester County, New York, identified as PIN 8762.10 (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 100% federal funds and 0% non-federal funds; and

WHEREAS, Westchester County shall be responsible for all costs of the project which exceeds the amount of the Pedestrian Safety Action Plan funding awarded to Westchester County in the amount of \$750,000.00 for the construction phase for a total cost of \$775,000.00 for the entire project; and

WHEREAS, Westchester County will design, let and construct the Project; and

WHEREAS, Westchester County desires to advance the Project by making a commitment of 100% of the non-federal share of the costs; now, therefore be it

RESOLVED, that the County of Westchester be, and hereby is authorized to enter into an Agreement with the State of New York, acting by and through the New York State Department of Transportation in connection with the Project; and be it further

RESOLVED, that the Westchester County Board of Acquisition and Contract hereby authorizes Westchester County to pay in the first instance 100% of the federal and non-federal share of the cost for the Project or portions thereof; and be it further

RESOLVED, that Westchester County shall be responsible for all costs of the project which exceeds the amount of the Pedestrian Safety Action Plan funding awarded to Westchester County in the amount of \$25,000.00 for the design phase and \$750,000.00 for the construction phase with a total of \$775,000.00 for the entire project; 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:	\$25,000.00	\$ 25,000.00	\$0.00	\$0.00
1 st Amendment:	\$750,000.00	\$750,000.00	\$0.00	\$0.00
TOTAL:	\$775,000.00	\$775,000.00	\$0.00	\$0.00

First Amendment Agreement No. 18-929

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account No.	Dollars
	263	46	933T	9853	T933	\$750,000.00

Budget Funding Year(s) 2021-2023 Start Date 09/01/2021 End Date 08/31/2023
 (must match resolution)

Funding Source: Tax Dollars \$ 0.00
 State Aid \$ 0.00
\$ 750,000.00 Federal Aid \$ 750,000.00
 (must match resolution) Other _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 09/02/2023 - RAYMOND SCULKY, SECRETARY