

94794

TO: Honorable Board of Acquisition and Contract

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

DATE: July 15, 2022

SUBJECT: Third Amendment to Agreement No. 19-929 in the matter of consulting services in support of the County's compliance with New York State Department of Environmental Conservation Consent Order Index No. CO-3-20180308-44 involving Westchester County Airport, for a term from July 1, 2019 to June 30, 2024, with the County's option to renew the agreement for an additional five (5) years.

Consultant: WSP USA Inc.
Amendment Amount: \$90,000.00

Pursuant to a Resolution approved by your Honorable Board on September 26, 2019, the County of Westchester (the "County"), acting by and through its Department of Public Works and Transportation (the "Department"), entered into Agreement Number 19-929 ("Agreement") with WSP USA Inc. (the "Consultant"), 500 Summit Lake Drive, Suite 450, Valhalla, New York 10595, wherein the Consultant was to provide consulting services in support of the County's compliance with New York State Department of Environmental Conservation Consent Order Index No. CO-3-20180308-44 ("NYSDEC Consent Order") involving Westchester County Airport (the "Airport"), for a term from July 1, 2019 to June 30, 2024, for an amount not to exceed \$110,000.00 payable pursuant to an approved budget and subject to budget appropriations, with the County having the option to renew the Agreement for an additional five (5) years.

On August 13, 2020, your Honorable Board approved a Resolution authorizing the County to amend the Agreement to provide for additional services including, but not limited to, laboratory analyses and completion of a Brownfield Cleanup Program application, and increase the amount payable by \$235,000.00, increasing the total maximum fee to \$345,000.00.

On May 20, 2021, your Honorable Board approved a Resolution authorizing the County to further amend the Agreement to provide for additional services including additional consulting services in support of the County's compliance with NYSDEC Consent Order and a Brownfield Cleanup agreement involving the Airport that are not included under the existing Agreement, including, but not limited to, soil, groundwater and surface water sampling, laboratory analytical services, data evaluation and source area evaluation. The amendment provided that for these additional services rendered, the Consultant would be paid a fee of \$100,000.00 pursuant to an approved budget, increasing the total maximum fee to \$445,000.00.

The NYSDEC Consent Order requires characterization of any contamination at the Airport and remedial work to address it. The consulting services included in the original Agreement have been in progress, and the County has been satisfied with the quality of services provided to date. The NYSDEC subsequently accepted the County's Brownfield Cleanup Program application and the County entered into a Brownfield Cleanup agreement that will involve further sampling and analysis.

The County and the Consultant are requesting that the Agreement be further amended in order to provide for additional consulting services associated with the Brownfield Cleanup agreement that are not included under the existing Agreement. Environmental consulting services associated with remedial investigation and corrective action activities are required under the Brownfield Cleanup agreement for the Airport. These services will include but not be limited to, soil, groundwater, surface water and sediment sampling, laboratory analytical services, data evaluation, report preparation support, regulatory interaction and public presentations. In consideration of these additional services, the Consultant will be paid a fee of \$90,000.00 pursuant to an approved budget, increasing the total maximum fee to \$535,000.00.

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.

The objective of this project is to assist the County in satisfying its obligations under the NYSDEC Consent Order and the Brownfield Cleanup agreement. This will ensure environmental compliance and promote the public health of the County's residents.

The Department will track scheduling and accomplishments by the Consultant to ensure the successful completion of this project.

The fee for the above services is for an amount of \$90,000.00 pursuant to an approved budget, bringing the total Agreement plus both amendments to \$535,000.00. The completion date of the Agreement will remain June 30, 2024, with the County having the option to renew the Agreement for an additional five (5) years.

Payment for this amendment will be made from the Airport Special Revenue Fund, not the County General Fund and will not impact the County tax levy.

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

HJG/DLV/ku

RESOLUTION

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

RESOLVED, that Agreement No. 19-929 (“Agreement”) between the County of Westchester (“County”), acting by and through its Department of Public Works and Transportation (“Department”), and WSP USA Inc. (“Consultant”), 500 Summit Lake Drive, Suite 450, Valhalla, New York 10595, be further amended to provide for additional consulting services in support of the County’s compliance with New York State Department of Environmental Conservation Consent Order Index No. CO-3-20180308-44 (the “NYSDEC Consent Order”) and a Brownfield Cleanup agreement involving Westchester County Airport that are not included under the existing Agreement, including, but not limited to, soil, groundwater, surface water and sediment sampling, laboratory analytical services, data evaluation, report preparation support, regulatory interaction and public presentations; and be it further

RESOLVED, that for the additional services rendered, the Consultant shall be paid a fee of \$90,000.00 pursuant to an approved budget, increasing the total maximum fee to \$535,000.00; and be it further

RESOLVED, that all other provisions of the existing Agreement, as amended, 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	\$110,000.00 (Consulting Services)
First Amendment	\$235,000.00 (Additional Consulting Services)
Second Amendment	\$100,000.00 (Additional Consulting Services)
This Amendment	\$ 90,000.00 (Additional Consulting Services)
TOTAL	\$535,000.00

Agreement No. 19-929, Third Amendment

Account to be Charged/Credited			Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	Fund	Dept.				
	161	44	4110	4420		\$90,000.00

Budget Funding Year(s): 2022 Start Date: 07/01/2019 End Date: 06/30/2024
 (must match resolution)

Funding Source: Tax Dollars _____
 State Aid _____
\$90,000.00 Federal Aid _____
 (must match resolution) Other 100% Airport Special Revenue Fund