

95048

TO: Board of Acquisition and Contract
FROM: Hugh J. Greechan, Jr., P.E.
Commissioner of Public Works and Transportation
DATE: July 29, 2022
SUBJECT: First Amendment to Agreement No. 19-917 with the State of New York for PIN 8762.18 – Rehabilitation of Main Street Bridge over Bronx River Parkway and Bronx River (BIN 3348690), City of White Plains, Westchester County, New York

On July 18, 2019, 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”) for the preliminary design and right-of-way incidental phases of PIN 8762.18 – Rehabilitation of Main Street Bridge over Bronx River Parkway and Bronx River (BIN 3348690), City of White Plains, Westchester County, New York. These phases were completed using 100% County funds and ineligible for reimbursement.

Authority is now requested for the County of Westchester (the “County”) to amend the existing 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 for the construction and construction inspection phases of the project in a sum not to exceed \$5,000,000.00 for PIN 8762.18 – Rehabilitation of Main Street Bridge over Bronx River Parkway and Bronx River (BIN 3348690), City of White Plains, Westchester County, New York.

This bridge rehabilitation project is in the public’s best interest in that successful completion of the project will increase motorist safety through the rehabilitation of a substandard bridge. Likewise, the use of Federal funds reduces the impacts of this project on the local tax base. Energy and environmental effects are positive as closure of the bridge would result in significant detours and congestion.

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 County is responsible for 100% of all project costs that exceed \$5,000,000.00 without 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 the Rehabilitation of Main Street Bridge over Bronx River Parkway and Bronx River (BIN 3348690), City of White Plains, Westchester County, New York, identified as PIN 8762.18 (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 95% federal funds and 5% non-federal funds; 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 amend the existing 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 preliminary design costs and all costs of the construction and inspection which exceeds the amount of the NY Bridge Funding awarded to Westchester County in the amount of \$5,000,000.00; 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

RESOLUTION

RESOLVED, that this resolution shall take effect immediately.

First Amendment to Agreement No. 19-917

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Bond Act No.	Dollars
	366	46	RB03Y01C	9633	N/A	\$5,000,000.00
	366	46	RB03Y01C	9632	N/A	\$1,170,000.50

Budget Funding Year(s) 2022 Start Date 08/01/2022 End Date 12/31/2028
 (must match resolution)

Funding Source: Tax Dollars \$ 1,170,000.50
 State Aid \$ 0.00
\$ 6,170,000.50 Federal Aid \$ 5,000,000.00
 (must match resolution) Other _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 08/01/2022 - RAYMOND SCULKY, SECRETARY