

George Latimer
County Executive

Vincent Kopicki, P.E.
Commissioner

109977

TO: Board of Acquisition and Contract

FROM: Vincent F. Kopicki, P.E.
Commissioner

DATE: November 20, 2024

RE: Authorization to again amend an emergency contract (Agreement # EF-2317) with Hazen and Sawyer, D.P.C for the provision of engineering services in connection with emergency repairs to the Tarrytown Forcemain, Village of Tarrytown, Westchester County, New York in order to extend the termination date of the agreement by one additional year to November 1, 2025

On December 12, 2023, your Honorable Board authorized the County of Westchester (the "County") to enter into Emergency Agreement # EF-2317 (the "Agreement") with Hazen and Sawyer, D.P.C. ("Hazen"), 498 Seventh Avenue, 11th Floor, New York, New York for Engineering Services in Connection with Emergency Repairs to the Tarrytown Forcemain, Village of Tarrytown, Westchester County, New York, in the amount not to exceed \$1,017,000.00, and having a term of November 2, 2023, through November 1, 2024. The Agreement was subsequently executed.

On February 22, 2024, your Honorable Board authorized the County to amend the Agreement in order to provide for additional services in connection with unforeseen additional work that was required and to increase the not-to-exceed amount of the Agreement by \$800,000 for a total not-to-exceed amount of \$1,817,000. The Amendment was subsequently executed.

The work is still on-going and the project is not yet completed. Thus, authority is now hereby being requested from your Honorable Board to extend the termination date of the Agreement one additional year from November 1, 2024, to November 1, 2025. All other terms and conditions of the Agreement including the not-to-exceed amount shall remain unchanged.

This Resolution is being submitted pursuant to the Emergency Declaration that was declared on October 24, 2023, and submitted to your Honorable Board on October 26, 2023 (the

“Emergency Declaration”), that outlined the reasons and nature of the emergency in connection with the Tarrytown Forcemain located in Tarrytown, New York (“Tarrytown Forcemain”). It is noted that subsequent to the issuance of the Emergency Declaration, another break occurred in the Tarrytown Forcemain on December 18, 2023, further supporting the emergency nature of this matter.

It should be noted by your Honorable Board that I’ve been advised that Section 167.171 of the Laws of Westchester County has been amended so that emergency one-year contracts may be extended for up to two (2) additional one-year terms, if necessary and justified, and upon authorization by your Honorable Board.

This amendment is necessary and justified as Hazen is still performing the work, including but not limited to coordination with the NYSDOT and contractors, as well as the oversight (construction administration) of the test pit work, and subsequent analysis of those results.

The Agreement and this proposed amendment is to rectify the emergency situation resulting from the repeated failures of the Tarrytown Forcemain, to address multiple New York State Department of Environmental Conservation (“NYSDEC”) Notice of Violations that were issued in connection with previous breaks in the Tarrytown Forcemain, and to immediately protect the environmental health and safety of the public and environment. As an emergency, the current situation at the Tarrytown Forcemain cannot await the competitive procurement normally required pursuant to the Rules of the Westchester County Professional Prequalification and Selection Boards. The Department, following its standard emergency contract protocols, selected Hazen to provide necessary services, as more fully described in the Emergency Declaration.

Failure to immediately continue performing the work set forth in the Agreement and this proposed amendment may result in a violation of NYSDEC regulations potentially resulting in significant financial penalties and would leave the Tarrytown Forcemain subject to additional potential breaks that could cause partially treated wastewater to again be released into ground water and the Hudson River. This Agreement and the proposed amendment will benefit the public as it enables the County to conduct its basic mission of providing proper wastewater treatment and conveyance, thereby promoting public health policies and laws. Time is of the essence in order to design and perform the urgent necessary repair work and to achieve compliance with NYSDEC regulations as quickly as possible in order to avoid potential groundwater contamination and to minimize or avoid financial penalties.

The Agreement and this proposed amendment shall fulfill a public purpose as the services provided under this Agreement and proposed amendment promote the public health and welfare by providing proper sanitary sewage collection, thereby promoting public health policies and compliance with environmental laws. The work will be monitored by representatives of the Department of Environmental Facilities throughout the Agreement term to make sure all applicable regulations, safety precautions and codes regarding the protection of persons and property are adhered to and that cost-effective full repair of the Tarrytown Forcemain is the end product.

Attached for your consideration is a proposed Resolution.

VFK/JPI/mjr
Encl.

RESOLUTION

Contract No. EF-2317

Upon communication from the Commissioner of the Department of Environmental Facilities, be it hereby:

RESOLVED, that the County of Westchester (“County”) is hereby authorized to again amend an emergency contract, Agreement No. EF-2317, with Hazen and Sawyer, D.P.C for Engineering Services in Connection with Emergency Repairs to the Tarrytown Forcemain, Village of Tarrytown, Westchester County, New York in order to extend the termination date of the agreement from November 1, 2024 to November 1, 2025; and be it further:

RESOLVED, that all other terms and conditions of the Agreement shall remain unchanged.

RESOLVED, that the County Executive or his authorized designee is hereby authorized and empowered to execute any and all documents necessary or appropriate to effectuate the purposes hereof.

Original Agreement: \$1,017,000.00
 First Amendment: \$ 800,000.00
This Amendment: \$ 0.00
 Total NTE Amount: \$1,817,000.00

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Bond Act No.	Dollars
	322	60	SY057-01-E	6020	2023-222	\$N/A

Budget Funding Year(s) 2023-2025 Start Date 11/02/2023 End Date 11/01/2025

(must match resolution)

Funding Source

Tax Dollars N/A

State Aid _____

NTE \$ N/A

Federal Aid _____

(must match resolution)

Other _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/05/2024 - RAMOND SCULLY, SECRETARY