

21-38-07

**RESOLUTION TO ACCEPT PAUL C. RIZZO ENGINEERING – NEW YORK, PLLC
AMENDMENT # 3 PROPOSAL TO PERFORM COMPLETION OF SEISMIC STABILITY AND
LIQUEFACTION & DEFORMATION ANALYSIS OF THE STILLWATER DAM**

WHEREAS, in August 2010, the Board of the Hudson River-Black River Regulating District authorized staff to hire Paul C. Rizzo Engineering – New York, PLLC (Rizzo) to complete a Federal Energy Regulatory Commission (FERC) required Liquefaction & Deformation Analysis of the Stillwater Dam; and

WHEREAS, in December of 2018, the Board passed Resolution 18-38-12, accepting the proposal submitted by Rizzo and authorizing the Interim Executive Director to execute agreement C022018 in the amount of \$84,926.00; and; and

WHEREAS, in August 2019 Rizzo indicated that it did not include a work task or budget to develop a FERC-mandated Drilling Program Plan (DPP) in its November 2018 proposal, the completion of which is required prior to completing subsurface drilling and exploration activities; and

WHEREAS, in September of 2019, the Board passed Resolution 19-38-09, accepting Rizzo's proposal to complete the FERC-mandated DPP and authorizing the Executive Director to execute an amendment to contract C022018 increasing the not-to-exceed amount by \$13,708.00; and

WHEREAS, Rizzo developed a proposal to address certain 8th Part 12D Independent Consultant recommendations which the Board approved in a second amendment to Contract C022018 through Resolution 21-18-05 increasing the not-to-exceed amount by \$70,156 to a total contract price of \$168,790; and

WHEREAS, in July 2018 FERC, in response to recommendations made in the 7th Part 12D Independent Consultant Safety Inspection Report (February 2016), requested an update of, and completion of, additional Seismic Stability Analyses for gravity structures (earth embankment dams, concrete dam, and spillway) at the Stillwater Dam; and

WHEREAS, pursuant to its original proposal, Rizzo developed a subsurface investigation program and completed the additional Seismic Stability Analyses of gravity structures; and

WHEREAS, upon submission, FERC required an additional six borings, for a total of eight, requiring an unanticipated three additional weeks of on-site field supervision; and

WHEREAS, in response to FERC's comments, Rizzo Engineering has now provided a summary of the additional work (planning the six additional borings and three additional weeks of on-site field supervision) necessary to complete the subsurface investigation and to complete the additional seismic stability analyses; and

WHEREAS, Rizzo proposes to provide the engineering services required to complete the six additional (eight in total) borings and the necessary on-site field supervision for a not-to-exceed fee of \$22,844 for a total fee for contract C022018 not-to-exceed price of \$191,634.

NOW THEREFORE BE IT RESOLVED, the Board of the Hudson River-Black River Regulating District hereby authorizes the Executive Director to accept Rizzo's Contract Amendment # 3 Proposal

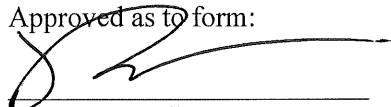
and to execute a third amendment to contract C022018 to increase the amount of the contract by \$22,844 to a total contract price of \$191,634; and

BE IT FURTHER RESOLVED, that the Board does hereby authorize the following transfers in the Fiscal Year 2021-22 budget; and

Account Number	Account Name	Increase	Decrease
5695-0700	Engineering Consultant	\$22,844	
5020-0700	Salaries- Temporary		\$10,920
5070-0700	Pension & Retirement		\$1,802
5100-0700	Social Security		\$677
5120-0700	Medicare		\$158
5260-0700	Capital Improvements		\$9,287

BE IT FURTHER RESOLVED, the agreement is subject to the review and approval of the NYS Attorney General and the NYS Office of the State Comptroller.

Approved as to form:



Robert P. Leslie
General Counsel

Motion was made by Mr. Rosenthal and seconded by Mr. DeWitt that the Resolution be approved.

Present and Voting:

<u>MEMBER</u>	<u>AYE</u>	<u>NOE</u>	<u>ABSTAIN</u>
Mr. Finkle	<u>X</u>	_____	_____
Mr. Hayes.....	<u>X</u>	_____	_____
Mr. Rosenthal.....	<u>X</u>	_____	_____
Mr. DeWitt.....	<u>X</u>	_____	_____
Mr. Bird.....	<u>X</u>	_____	_____
Mr. Candido	<u>X</u>	_____	_____
Mr. Reagan.....	_____	_____	<u>EXCUSED</u>