

21-41-09

RESOLUTION TO APPROVE AMENDMENT #5 - INDIAN LAKE FIRST ENGINEERING ASSESSMENT CONTRACT C032013

WHEREAS, the Board of the Hudson River-Black River Regulating District adopted resolution 13-45-12 awarding the work for the First Engineering Assessment at Indian Lake Dam to Bergmann Associates for a not to exceed amount of \$169,156.00; and

WHEREAS, the Board of the Hudson River-Black River Regulating District subsequently approved Amendment #1 for \$9,420.00, Amendment #2 for \$119,890.00, Amendment #3 for \$7,335.00 increasing the not to exceed amount to \$305,801.00 and Amendment #4 extending the contract an additional three (3) years; and

WHEREAS, Phase 1 of the project began April 8, 2014 with the Board award of work associated with the Indian Lake Dam Engineering Assessment and Recommendation for Remedial Measures project to Bergmann Associates (Bergmann); and

WHEREAS, Bergmann completed a safety inspection and the First Engineering Assessment of Indian Lake Dam, consistent with Department of Environmental Conservation (DEC) dam safety regulations, and submitted the report to the Regulating District, in October 2015; and

WHEREAS, upon the Regulating District's submission of the Safety Inspection Report and Engineering Assessment to DEC in February 2016 and supplemental information in January 2018, DEC issued an email notice of acceptance of the Safety Inspection Report and First Engineering Assessment on September 9, 2020; and

WHEREAS, Phase 2 work on the project centered on Bergmann's development and evaluation of alternatives to improve the Indian Lake dam performance and recommend improvements to address identified deficiencies and which would bring the facility into compliance with Department of Environmental Conservation (DEC) dam safety regulations; and

WHEREAS, Bergmann's Engineering Assessment Report identified the following safety compliance issues:

- Insufficient hydraulic capacity to safely pass the design flood
- Insufficient low level outlet discharge capacity
- Inadequate spillway stability
- Inadequate embankment stability
- Seepage through the masonry dam
- Non-functioning intake gates
- Inoperable gate in log sluice
- Lack of seepage flow collection and monitoring system at toe of embankment dam
- Non-compliant embankment geometry; and

WHEREAS, staff directed Bergmann to develop a Final Design and Construction Support Services proposal which details the third phase of this remediation project; and

WHEREAS, Bergmann proposes to provide planning, design, project management, and construction support services required to allow the Regulating District to complete construction of repair necessary to bring the facility into compliance with DEC dam safety regulations; and

Approved at the September 14, 2021 Board Meeting

WHEREAS, Bergman's *Final Design and Construction Support* proposal represents an expansion of the project scope contemplated in the original contract C032013, as amended, at an increase to the project budget of \$1,332,116, bringing the total contract price to \$1,637,917; and

WHEREAS, the expanded scope of work requires an extension of the contract termination date to December 31, 2025,

WHEREAS, in addition to the contract modifications outlined above, on August 16, 2021 Regulating District staff observed an increase in leakage near the abandoned bulkhead gate at Indian Lake Dam; and

WHEREAS, at staff's request, Bergmann conducted a site visit and visual inspection of the bulkhead structure on August 18; and

WHEREAS, Bergmann's engineering staff made observations of the leakage at the bulkhead structure, as well as leakage at the spillway and stone dam and compared field notes and observations recorded during its safety inspections in September 2013 and August 2014 to the current condition of the structures; and

WHEREAS, Bergmann submitted a Trip Report on September 3 and concluded "the number and magnitude of leaks present at the dam is indicative of ongoing deterioration; however, the current conditions as observed do not require emergency action and intervention at this time. Continued regular monitoring and documentation of all of the significant leak points for changes is recommended."; and

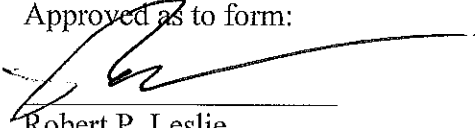
WHEREAS, this bulkhead gate is scheduled for repair and replacement as part of the facility rehabilitation program anticipated to begin in the summer of 2023; and

WHEREAS, Regulating District staff recommends acceptance of Bergmann's *Investigation of Emergent Leak at Bulkhead* proposal and seeks Board authorization, by Resolution, to amend the scope of work of Contract C032013 to include tasks presented in Bergmann's *Investigation of Emergent Leak at Bulkhead* proposal, dated September 8, 2021; to increase the project budget by \$7,076, to a total contract price of \$1,644,993, and; to authorize the Executive Director to execute the amendment to the Contract.

NOW THEREFORE BE IT RESOLVED, that the Board of the Hudson River-Black River Regulating District hereby accepts Bergmann's proposals and authorizes, an amendment to the scope of work and term of Contract C032013 to include tasks presented in Bergmann's *Final Design and Construction Support* proposal, dated August 13, 2021, and Bergmann's *Investigation of Emergent Leak at Bulkhead* proposal dated September 8, 2021; to increase the project budget by \$1,332,116, and \$7,076, to a total contract price of \$1,644,993; which still remains under the amount budgeted for this project through fiscal years 2021-2022 and 2022-2023; to extend the termination date of the contract to December 31, 2025, and; to authorize the Executive Director to execute the amendment to the Contract; and

BE IT FURTHER RESOLVED that the contract is subject to the review and approval of the Office of the New York State Attorney General and the New York State 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> X </u>	_____	_____

CORPORATE RESOLUTION CERTIFICATION

I HEREBY CERTIFY that the following is a true and correct copy of resolution 21-41-09 duly adopted at a meeting of the Board of Directors of **The Board of Hudson River – Black River Regulating District**, a corporation incorporated under the laws of the State of New York, duly called and held on the 14th day of September, 2021, a quorum then being present; that the said resolution has been entered upon the regular minute book of the corporation and is in accordance with the certificate of incorporation and the by-laws and is now in full force and effect:

RESOLVED that John C. Callaghan, Executive Director be and hereby is authorized to sign and submit the agreement of this corporation for the following project:

5th Amendment to First Engineering Assessment at Indian Lake Dam

and to include in such proposal the certificate as to non-collusion required by law as the act and deed of such corporation, and for all inaccuracies or misstatements in such certificate this corporation shall be liable under the penalty of perjury; and to enter into the contract if awarded to this corporation;

RESOLVED that the following officer(s) of this corporation is/are authorized on behalf of this corporation to sign the proposal and the contract:

John C. Callaghan

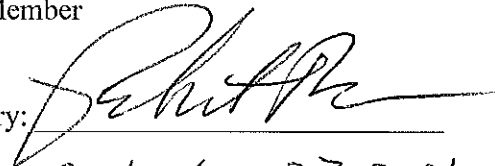
I FURTHER CERTIFY that the names of the persons holding titles referred to in the foregoing resolution are as follows:

NAME	TITLE
Mark Finkle	Chairperson
Jeffrey Rosenthal	First Vice-Chair
Kenneth De Witt	Second Vice-Chair
Albert Hayes	Board Member
Richard Bird	Board Member
Timothy Reagan	Board Member
Alfred Candido	Board Member



Secretary: _____

Date: _____



September 27 2021