

22-01-01

**RESOLUTION TO APPROVE SIXTH AMENDMENT TO CONTRACT C012012 WITH  
KLEINSCHMIDT ASSOCIATES, PA, PC**

**WHEREAS**, the Board of the Hudson River-Black River Regulating District approved Resolution 13-07-04 authorizing contract C012012 with Kleinschmidt Associates, PA, PC for the completion of the remediation/removal final study and design work at Hawkinsville Dam for a total not to exceed amount of \$90,980.00 (Contract C012012); and

**WHEREAS**, the Board approved Resolution 14-25-07 authorizing Amendment #1, for an additional \$6,770.00 increasing the not to exceed amount to \$97,750.00 for Phase 1, Tasks 1-7; and

**WHEREAS**, the Board approved Resolution 14-36-11 authorizing Amendment #2, for an additional \$69,500.00 increasing the not to exceed amount to \$167,250 to complete Phase 2 Final Design & Construction Monitoring work; and

**WHEREAS**, the Board approved Resolution 12-28-07 authorizing Amendment #3, for an additional \$19,514.00 increasing the not to exceed amount to \$186,764.00 to complete Task 3 amending the scope of work to cover NYSDEC desired outlet changes, eliminating the need to complete a wetland mitigation plan which would have been required were the project constructed as originally designed, and redesigning the earthen berm to avoid wetland impacts; and

**WHEREAS**, in light of the changes described above, the Board approved Resolution 19-50-12 authorizing Amendment #4 extending the contract term to December 31, 2021; and

**WHEREAS**, while Kleinschmidt completed a re-design of the earthen berm as part of the amended scope of service addressed in amendment #3, including incorporation of additional design changes to address additional issues raised by the USACE, the USACE has requested further additional design changes which require a second preparation and submission of applications to DEC and the USACE; and

**WHEREAS**, the Board approved Resolution 20-05-03 authorizing Amendment #5 revising the contract's Scope of Services and increasing the contract price by \$29,800 to a total contract price of \$216,564; and

**WHEREAS**, in an effort to secure the most economical method of funding the construction project, and to realign the anticipated costs with the Regulating District's three-year assessment cycle, the Regulating District postponed construction until 2022, and in preparation for the commencement of construction, Regulating District staff has requested that Kleinschmidt make a presentation to the Board at the January 11, 2022 meeting summarizing the Hawkinsville Dam Remediation project; and

**WHEREAS**, the Regulating District's postponement of the start of construction and the January 11 presentation were both unanticipated by Kleinschmidt and resulted in additional project management and coordination expense to Kleinschmidt; and

**WHEREAS**, Kleinschmidt has also requested an adjustment in the hourly rates for the outstanding tasks (Construction Phase services) which will be completed in 2022; and

**WHEREAS**, Kleinschmidt has provided a scope of work and fee proposal to address the out-of-scope work; and

**WHEREAS**, staff recommends that the Board authorize the executive director to execute this sixth amendment to contract C012012 in the amount of \$7,000.00, increasing the total not to exceed amount to \$223,564.00; and

**NOW THEREFORE BE IT RESOLVED THAT**, the Board of the Hudson River – Black River Regulating District authorizes the executive director to execute a sixth amendment to contract C012012 accepting Kleinschmidt’s proposed amendment #6: Revised Scope of Services proposal and authorizing the executive director to increase the contract price by \$7,000 to a total contract price of \$223,564.

**BE IT FURTHER RESOLVED**, the contract is subject to review and approval by the State of New York Office of the 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. Bird 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>	<u>      </u>	<u>      </u>
Mr. Hayes.....	<u>  X  </u>	<u>      </u>	<u>      </u>
Mr. Rosenthal.....	<u>      </u>	<u>      </u>	<u>  EXCUSED  </u>
Mr. De Witt.....	<u>  X  </u>	<u>      </u>	<u>      </u>
Mr. Bird.....	<u>  X  </u>	<u>      </u>	<u>      </u>
Mr. Candido .....	<u>  X  </u>	<u>      </u>	<u>      </u>
Mr. Reagan.....	<u>  X  </u>	<u>      </u>	<u>      </u>