

22-16-04

**RESOLUTION TO APPROVE SECOND AMENDMENT TO CONTRACT D012019 WITH ATLANTIC TESTING LABORATORIES, LIMITED (ATL)**

**WHEREAS**, on December 13, 2019, the Board of the Hudson River-Black River Regulating District approved Resolution 19-47-11 authorizing contract D012019 with Atlantic Testing Laboratories, Limited (ATL) to conduct subsurface soil sampling at Stillwater Dam in support of seismic stability analyses work being completed by Paul C. Rizzo Engineering – New York, PLLC (Rizzo) for a total not to exceed amount of \$84,084.00 (Contract D012019); and

**WHEREAS**, the Board authorized staff to hire Rizzo to complete a Federal Energy Regulatory Commission (FERC) required Liquefaction & Deformation Analysis of the Stillwater Dam; and

**WHEREAS**, on August 14, 2014, staff submitted the Rizzo report to FERC who agreed with the findings; and

**WHEREAS**, in response to recommendations made in the Seventh part 12D Independent Consultant Safety Inspection Report (February 2016) and in a letter dated July 30, 2018, FERC requested additional Seismic Stability Analysis for gravity structures at the Stillwater Dam; and

**WHEREAS**, in December 2018, pursuant to Resolution 18-38-12, the Board authorized staff to engage Rizzo to complete seismic stability and seismic deformation analyses and to submit a Geotechnical and Seismic Evaluation Report; and

**WHEREAS**, following the execution of contract D012019 with ATL, and during the past 12 months, ATL developed and submitted a detailed drilling plan to the Regulating District and Rizzo developed a Drilling Program Plan for FERC review and approval; and

**WHEREAS**, FERC's initial review comments on Rizzo's Drilling Program Plan included recommendations for technical changes in the drilling methodology and the addition of two borings; and

**WHEREAS**, FERC has now approved the revised drilling plan, the scope of work included in ATL's Contract D012019 does not include all eight borings or additional subsurface work required by FERC; and

**WHEREAS**, ATL has provided a scope of services and fee proposal to complete the additional two borings for a fee not to exceed \$16,492; and

**WHEREAS**, in order to provide sufficient funding in the current fiscal year for this and other engineering projects underway at Stillwater, staff seek authority to transfer \$20,595 from Account 5650-0700 "Repairs to Structures" to Account 5695-0700 "Engineering Consultant" in the Fiscal Year 2021-22 budget; and

**WHEREAS**, in order to complete the additional work, the Board desires to extend the agreement to December 31, 2022;

**NOW THEREFORE BE IT RESOLVED**, the Board of the Hudson River-Black River Regulating District hereby accept the proposal submitted by ATL and authorizes the Executive Director to execute an amendment to Contract D012019 to include completion of the additional work which increases the price of Contract D012019 by \$16,492 to a not-to-exceed amount of \$132,174 and to extend

the contract term to December 31, 2022; and

**BE IT FURTHER RESOLVED** that the Board does hereby authorize the following transfer in the Fiscal Year 2021-22 budget:

Account Number	Account Name	Increase	Decrease
5695-0700	Engineering Consultant	\$20,595	
5650-0700	Repairs to Structures		\$20,595

**BE IT FURTHER RESOLVED** that 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. Hayes and seconded by Mr. Reagan 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. De Witt.....	<u>  X  </u>	_____	_____
Mr. Bird.....	<u>  X  </u>	_____	_____
Mr. Candido.....	<u>  X  </u>	_____	_____
Mr. Reagan.....	<u>  X  </u>	_____	_____
Ms. Allen.....	<u>  X  </u>	_____	_____