

23-04-01

**RESOLUTION TO APPROVE NINTH 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, the Board approved Resolution 22-01-01 authorizing Amendment #6 revising the contract's Scope of Services and increasing the contract price by \$7,000 to a total contract price of \$223,564; and

WHEREAS, on December 9, 2021 the Regulating District received comments on its Hawkinsville Dam re-construction (remediation) permit application from the New York

State Department of Environmental Conservation Dam Safety Division (DEC Dam Safety); and, in response, the Regulating District requested that Kleinschmidt provide additional permitting services related to the Hawkinsville Dam Remediation project, including review of DEC Dam Safety comments, perform analysis to support a response, attend a meeting with DEC Dam Safety, and update and resubmit the Design Report and Project Drawings to the Regulating District and DEC Dam Safety; and

WHEREAS, the Regulating District required Kleinschmidt's immediate assistance to respond to DEC Dam Safety in order to stay on schedule for an August 2022 start of construction. As such, Kleinschmidt completed this additional scope of work in March 2022; and

WHEREAS, Kleinschmidt completed the services outlined in the *Amendment 7 Review of NYSDEC Comments* scope of services letter, dated March 31, 2022, and the Board then approved Resolution 22-27-06 authorizing Amendment #7 revising the scope of services and increasing the contract price by \$16,400 to a contract price to a not to exceed amount of \$239,964.

WHEREAS, the Board approved Resolution 22-48-09 authorizing Amendment #8 revising the contract's Scope of Services to add Task 4 subtasks, including necessary project management, coordination, labor, and expenses, to address requirements outlined in *An Owners Guidance Manual for the Inspection and Maintenance of Dams in New York State* (NYDEC, September 2009), and for Kleinschmidt to prepare a draft Implementation & Monitoring Plan (I&M Plan) for Regulating District review before submission to NYSDEC; which plan included additional weekly conference calls and construction observations, additional review of testing reports, coordination with contractors/Regulating District, and review of the Regulating District's reports and Contractor's submittals, and submission of completed work statements and as-built drawings for submission to NYSDEC thereby increasing the contract price by \$34,300 to a total contract price of \$274,264; and

WHEREAS, in response to construction delays and contractor performance issues, Kleinschmidt Associates has begun providing additional on-site construction inspection and engineering services at the Regulating District's direction; has been asked to submit a proposal for expanded construction engineering services to provide full-time monitoring of contractor activities and additional engineering support and management to resolve core material compaction and west bank excavation concerns; and to facilitate quick resolution of any additional construction issues; and

WHEREAS, Kleinschmidt's additional scope of work includes full-time construction observation services to support quality control and contract compliance monitoring, field engineering, and some limited engineering office support.

NOW THEREFORE BE IT RESOLVED THAT, the Board of the Hudson River – Black River Regulating District authorizes the executive director to execute a ninth amendment to contract C012012 accepting Kleinschmidt's proposed amendment #9: Full-

time Construction Observation & Additional Engineering Support proposal and authorizing the executive director to increase the contract price by \$283,500 to a total contract price of \$557,764.

BE IT FURTHER RESOLVED, that the Board does hereby authorize the following transfer in the Fiscal Year 2022-23 budget:

Account Number	Account Name	Increase	Decrease
5695-0000	Engineering Consultant	\$283,500	
5650-0000	Repairs to Structures		\$283,500

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. 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>	<u> </u>	<u> </u>
Mr. Hayes.....	<u> X </u>	<u> </u>	<u> </u>
Mr. DeWitt.....	<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>
Ms. Allen.....	<u> X </u>	<u> </u>	<u> </u>