

23-08-03

RESOLUTION TO ACCEPT AMENDMENT #4 TO THE HENNINGSON, DURHAM & RICHARDSON ARCHITECTURE AND ENGINEERING, P.C. (HDR) CONTRACT (C032018) CONKLINGVILLE DAM FOURTH PART 12D INDEPENDENT SAFETY INSPECTION

WHEREAS, in February 2019, via resolution 19-03-02, the Board of the Hudson River-Black River Regulating District authorized HDR to complete the 4th Part 12D Safety Inspection of Conklingville Dam; and

WHEREAS, pursuant to Contract C032018, executed by HDR and the Regulating District on July 1, 2019, HDR completed the necessary inspection and submitted the required report to the Federal Energy Regulatory Commission (FERC); and

WHEREAS, on April 30, 2019 FERC requested that the Regulating District have the 4th Part 12D Independent Consultant review two specific issues related to the previous evaluations and analysis. Specifically, FERC asked that the project discharge rating curve and the project Probable Maximum Precipitation analysis be verified. Additionally, FERC requested that a protocol for recognizing storm events that could impact the previous-approved Site Specific Probable Maximum Precipitation study also be developed; and

WHEREAS, pursuant to resolution 19-39-09, the Board authorized an amendment to Contract C032018 to complete the work necessary to respond to FERC's additional information request for an additional not-to-exceed fee of \$34,100.00 bringing the not-to-exceed contract value to \$69,050.00; and

WHEREAS, pursuant to resolution 21-05-03 the Board authorized a second amendment to Contract C032018 to complete additional work to include stability analyses of the embankment retaining wall and risk analysis of the embankment dam, for a not-to-exceed fee of \$79,790 bringing the not-to-exceed contract value to \$148,840; and

WHEREAS, in furtherance of the work authorized by resolution 19-39-09, HDR has now completed development of the protocol for recognizing storm events which could impact the previous approved Site Specific Probable Maximum Precipitation (SSPMP) study and summarized its recommendation in a Technical Memorandum dated April 27, 2020. HDR also completed verification of the project discharge rating curve and project Probable Maximum Precipitation analysis; submitting two additional Technical Memorandum reports on March 19, 2021; and

WHEREAS, on March 22, 2021, the Regulating District submitted all three Technical Memorandum to FERC for review; and

WHEREAS, in an October 27, 2021 letter, FERC accepted HDR's protocol ("storm screening procedure") for recognizing storm events which could impact the previous-approved SSPMP study and concurred with HDR's findings and recommendation to perform further evaluation of at least two known storm events using the storm screening procedure; and

Approved at the March 29, 2023 Board Meeting

WHEREAS, FERC additionally recommended the consultant review recent storm events which have occurred within the storm search domain since the completion of HDR's April 2020 evaluation, including consideration of Tropical Storm Ida (which impacted the region Aug 31 to Sept 2, 2021); and

WHEREAS, in June 2022, HDR completed the storm screening evaluation; identifying Tropical Storms Irene and Lee as storms with the potential to impact the previously approved GSL SSPMP study. In response to FERC's October 27, 2021 comment the Regulating District submitted HDR's Technical Memorandum, dated July 19, 2022, to FERC summarizing the storm screening evaluation; and

WHEREAS, FERC has completed its review of, and has commented upon, the HDR storm screening evaluation and Technical Memorandum concurring with HDR's recommendation to analyze the impact of Tropical Storms Irene and Lee prior to making a determination to proceed with an update to the GSL SSPMP study; and

WHEREAS, HRD has provided a scope of services and fee proposal to perform the necessary work to complete the secondary evaluation of storms with the potential to impact the GSL SSPMP study; proposing to complete the work for a not-to-exceed fee of \$17,000; and

WHEREAS, staff recommends the Board accept HDR's proposal to complete the work necessary to respond to the FERC's recommendations and seeks Board authorization to amend the scope and fee of Contract C032018 to increase Contract C032018 by \$17,000 to a not-to exceed amount of \$179,840.

NOW THEREFORE BE IT RESOLVED the Hudson River – Black River Regulating District Board accepts HDR's proposal to complete certain work in response to recommendations made in furtherance of the 4th Part 12D safety inspection report and authorizes the Executive Director to execute a fourth amendment to Contract C032018, in the amount of \$17,000.00, bringing the not-to-exceed contract value to \$179,840.00; and

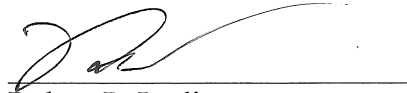
BE IT FURTHER RESOLVED that the Board does hereby authorize the following transfer in the Fiscal Year 2022-23 budget:

| Account Number | Account Name | Increase | Decrease |
|-----------------------|--------------------------|-----------------|-----------------|
| 5695-0300 | Engineering Consultant | \$17,000 | |
| 5750-0300 | Debt Payments – Interest | | \$17,000 |

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 at the March 29, 2023 Board Meeting

Approved as to form:



Robert P. Leslie
General Counsel

Motion was made by Ms. Allen and seconded by Mr. Candido 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. De Witt..... | <u> X </u> | <u> </u> | <u> </u> |
| Mr. Candido | <u> X </u> | <u> </u> | <u> </u> |
| Mr. Hayes..... | <u> X </u> | <u> </u> | <u> </u> |
| Mr. Bird..... | <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> |