

24-01-01

RESOLUTION TO AMEND CONTRACT C032013 TO ACKNOWLEDGE TRANSFER OF CONTRACT RESPONSIBILITY FROM BERGMANN ASSOCIATES TO COLLIERS ENGINEERING & DESIGN AND TO MODIFY SCOPE AND NOT-TO-EXCEED CONTRACT PRICE

WHEREAS, at its September 2021 regular meeting, the Board voted to amend Contract C032013 with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. (Bergmann) to include construction phase support and inspection services for the rehabilitation of Indian Lake Dam, for a total contract value of \$1,339,191; and

WHEREAS, while the engineering professionals who initiated the work supported by Contract C032013 remain the same and such professionals will continue to provide the services necessary to complete the project, in 2023 Bergmann joined Colliers Engineering & Design Architecture, Landscape Architecture & Surveying CT P.C. (Colliers) as an affiliated entity through common ownership rebranding Bergmann as Colliers; and

WHEREAS, the scope and costs associated with final design and with the construction phase support and inspection services outlined in Contract C032013 relied on certain assumptions which were supported and valid and the time; and

WHEREAS, final design for the project identified the need for additional analyses and evaluations identified in the Chief Engineer's supporting memo; and

WHEREAS, additional design work completed resulted in more complex construction activities than were incorporated in the September 2021 amendment to Contract C032013; and

WHEREAS, additional economic realities and costs, not attributable to Colliers, associated with necessary construction inspection services have increased; and

WHEREAS, Colliers submitted a proposal to the Regulating District on September 7, 2023 detailing additional costs associated with final design and construction phase support and inspection services; and

WHEREAS, the Chief Engineer and Executive Director have engaged with Colliers in recent months to discuss these additional engineering costs Colliers identified, and to arrive at an agreement on which additional expenses staff will recommend to the Board for approval; and

WHEREAS, on January 2, 2024, Colliers provided a revised proposal for an amendment to Contract C032013 which reflects both these discussions and internal review in coordination with the HRBRRD's Chief Fiscal Officer; and

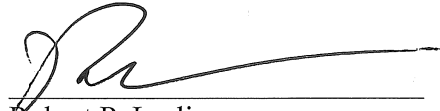
WHEREAS, Collier's January 2, 2024 proposal includes \$176,162 in additional final design costs, and \$753,024 in additional construction phase support and inspection costs, for a total increase in cost of \$929,186 and total contract value of \$2,268,377; and

WHEREAS, the total construction phase expenditure remains within the amount budgeted for the project's engineering services as included in the Regulating District's financing application to the Environmental Facilities Corporation;

NOW THEREFORE BE IT RESOLVED, that the Board of the Hudson River – Black River Regulating District acknowledges that Bergmann has rebranded as Colliers Engineering & Design Architecture, Landscape Architecture & Surveying CT P.C. and accepts Bergmann's contract assignment and resulting transfer of contract C032013 responsibilities to Colliers; and

BE IT FURTHER RESOLVED that the Board authorizes the Executive Director to amend Contract C032013, now and hereafter with Colliers Engineering & Design Architecture, Landscape Architecture & Surveying CT P.C., to perform the amended scope of work outlined in the January 2, 2024 proposal for a not-to-exceed price contract of \$2,268,377.

Approved as to form:



Robert P. Leslie
General Counsel

Motion was made by Ms. Allen 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. DeWitt.....	<u> X </u>	_____	_____
Mr. Bird.....	<u> X </u>	_____	_____
Mr. Candido.....	_____	_____	_____
Mr. Reagan.....	_____	_____	_____
Ms. Allen.....	<u> X </u>	_____	_____