

RESOLUTION RE:

**AUTHORIZATION TO EXECUTE AN AMENDMENT TO THE INTERMUNICIPAL
AGREEMENT WITH WESTCHESTER COUNTY TO INCREASE FLOOD
MITIGATION GRANT PROGRAM TO \$2,365,429.24**

WHEREAS, the Village of Mamaroneck, in conjunction with the Town of Mamaroneck and the Town of Rye, is responsible for the replacement of the Hillside Avenue Bridge (“the bridge”) over the Mamaroneck River; and

WHEREAS, in support of this replacement, the Village, in conjunction with the Town of Rye and Town of Mamaroneck, sought and were approved for, a grant through the BridgeNY Grant program to cover ninety-five percent (95%) of eligible costs towards the program, up to \$3,000,000; and

WHEREAS, as the Village proceeded through design, it became apparent that the bridge costs, including design, property acquisition, construction and construction management will likely exceed \$3,000,000, thereby increasing local shares from the Town of Mamaroneck, the Town of Rye and the Village of Mamaroneck and requiring additional funding from other sources; and

WHEREAS, based on construction estimates, Village staff met with the County of Westchester (“County”) via a conference call held on June 14, 2019, to review design and cost estimates of the bridge in hopes of applying for a grant through the Westchester County Flood Mitigation grant program; and

WHEREAS, the County requested that the Village and its engineers fine tune the design and cost estimates based on recent experience with construction projects; and

WHEREAS, in accordance with this request, revised cost estimates were and submitted a grant application with the revised cost estimates to the County, requesting \$1,000,000 in funding assistance from the Westchester County Flood Mitigation grant program; and

WHEREAS, the Westchester County Board of Legislators, at their December 3, 2019 meeting, approved the funding for the grant which provided total grand funding of \$3,850,000 for the project; and

WHEREAS, shortly thereafter, the COVID-19 Pandemic struck and while it did not drastically affect the final design of the bridge, it was not known how the impacts to the supply chain and the construction industry would impact the overall costs of the bridge; and

WHEREAS, during calendar year 2020, indications were that contractors were submitting lower bids to remain working, but it was not known how contractors would adjust to the “new normal” in 2021; and

WHEREAS, on March 10, 2021, the Village held the bid opening for Hillside Avenue Bridge replacement with nine (9) bids opened and the lowest responsible bid received from Villa Construction Inc., in the amount of \$4,378,000, an amount higher than previously estimated; and

WHEREAS, after reviewing the bids, the Village determined that it was appropriate to recommend award for several reasons including the following:

- Revising the bid and specifications would require approval from the NYSDOT, and review by the Army Corps of Engineers, and likely the New York State Department of Parks, Recreation and Historic Preservation.
- Rebidding of the project would likely result in higher prices.
- The relatively small difference of 15.8% between the lowest responsible bid, and the highest bid.

and

WHEREAS, the Village first sought additional grant funding from the NYSDOT, and by email of May 19, 2021, the NYSDOT informed the Village that Westchester County had agreed to transfer \$978,000 of funds from a grant program they administer to the Hillside Avenue Bridge Project; and

WHEREAS, on June 7, 2021, however, the NYSDOT notified the Village that because Westchester County's grant funds came from a different programmatic element of the BridgeNY program, they could not be transferred; and

WHEREAS, shortly thereafter, Westchester County Planning Department staff contacted village staff to review the possibility of applying for additional grant funding through the flood mitigation staff and asked that the village prepare a letter to the County that identified additional costs and request increased funding consideration; and

WHEREAS, the Village prepared such a letter requesting additional grant funding of \$1,365,429.24 from the Westchester County Flood Mitigation program; and

WHEREAS, in January 2023, Village staff and the Town of Rye's Chief Elected Official, presented the request to the Board of Legislators' Budget & Appropriation, and after a review of the project scope, the cost factors driving project costs, and the efforts the Village exhausted to seek additional grant funding through the NYSDOT, both subcommittees recommended that the full Board of Legislators approve the Village's request; and

WHEREAS, the Board of Legislators unanimously approved the village request for additional grant funding which based on this approval, increased total grant funding among all sources to \$5,215,429.24; and

WHEREAS, Westchester County recently proffered an amendment to the original intermunicipal agreement to the Village to increase its grant funding commitment.

NOW, THEREFORE BE IT RESOLVED that the Village Manager is authorized to execute an amendment to the Intermunicipal Agreement with Westchester County to increase

available grant funding for the replacement of the Hillside Avenue over Mamaroneck River Bridge through the Westchester County Flood Mitigation grant program in order to ensure receipt of the grant; and be it further

RESOLVED, that the Village Manager is authorized to undertake such administrative acts as may be necessary to effectuate the terms of this agreement.

DRAFT