

ST. LAWRENCE COUNTY INDUSTRIAL DEVELOPMENT AGENCY
 Resolution No. IDA-18-01-01
 January 25, 2018

**AMENDING AN AGREEMENT WITH THE DEVELOPMENT AUTHORITY OF THE
 NORTH COUNTRY FOR TECHNICAL ASSISTANCE
 WITH THE NEWTON FALLS RAILROAD REHABILITATION PROJECT**

WHEREAS, the St. Lawrence County Industrial Development Agency (the “SLCIDA”) obtained a \$9.972 Million funding commitment from Empire State Development for the rehabilitation of the 46.25 mile branch of the Newton Falls Railroad, located in St. Lawrence, Lewis and Jefferson counties, and

WHEREAS, the project was originally divided into two (2) phases: Phase 1 of the project entailed pre-construction activities at an estimated cost of \$1.3 Million, and Phase 2 of the project entails railroad construction and renovation at an estimated cost of \$8.672 Million, and

WHEREAS, the St. Lawrence County Industrial Development Agency (“SLCIDA”), by Resolution 15-06-16, entered into a technical services Agreement with the Development Authority of the North Country for Phase 1 and Phase 2 of the project, (“Agreement”), and

WHEREAS, issues encountered during Phase 2 require additional project oversight, meetings, cost tracking and disbursement requests that are needed until the problem is resolved, necessitating a change under Phase 3, and

WHEREAS, the Development Authority of the North Country is providing construction/engineering services for Phase 2 and Phase 3 as outlined in “Amendment No. 1” attached, and

WHEREAS, the services to be provided by DANC, a unit of State government, meet the SLCIDA’s Procurement Policy requirements,

NOW, THEREFORE, BE IT RESOLVED that the St. Lawrence County Industrial Development Agency desires to enter into an agreement with the Development Authority of the North Country for an additional estimated \$40,000 for a total amount not to exceed \$100,000, and

BE IT FURTHER RESOLVED that the St. Lawrence County Industrial Development Agency’s Chief Executive Officer, pending review by SLCIDA Legal Counsel, is hereby designated, authorized, empowered and directed to negotiate, execute and deliver any and all agreements and other documents required to effect the transactions contemplated by this resolution.

Move:	Blevins			
Second:	LaBaff			
VOTE	AYE	NAY	ABSTAIN	ABSENT
Blevins	X			
Hall			X	
Hooper	X			
LaBaff	X			
McMahon				X
Staples	X			
Weekes				X

I HEREBY CERTIFY that I have compared this copy of this Resolution with the original record in this office, and that the same is a correct transcript thereof and of the whole of said original record.

/s/

Lori Sibley

January 25, 2018

AMENDMENT NO. 1

**DEVELOPMENT AUTHORITY OF THE NORTH COUNTRY
TECHNICAL SERVICES AGREEMENT**

**WITH THE
ST. LAWRENCE COUNTY INDUSTRIAL DEVELOPMENT AGENCY**

**FOR
ENGINEERING AND REDEVELOPMENT PLANNING ASSISTANCE FOR THE
NEWTON FALL RAILROAD PROJECT PHASE 3**

WHEREAS, the Development Authority of the North Country (Authority) and the St. Lawrence County Industrial Development Agency (SLCIDA) entered into an Agreement dated June 25, 2015 to provide Engineering Services and Redevelopment Planning services for the Newton Fall Railroad Project for an amount not to exceed \$60,000, and

WHEREAS, the scope of that Agreement involved providing redevelopment planning, engineering and administrative services, and reporting through completion of Phase 2 of the project, and

WHEREAS, the Phase 2 project work has been completed. However, there is an outstanding issue with materials installed on the project that is ongoing. The issue includes leaking creosote from railroad ties installed on the project. Due to the issue, the retainage for the general contractor is being withheld and will be used to address the railroad ties as necessary. The additional project oversight, meetings, cost tracking and disbursement requests will be required until the problem is resolved. It is anticipated that this work will be performed throughout 2018, and

WHEREAS, the SLCIDA requested that the Authority provide redevelopment planning, engineering and administrative services, and reporting during the Phase 3 project in accordance with the descriptions of work outlined in the original Agreement between the SLCIDA and the Authority dated June 25, 2015, and

WHEREAS, the project contingencies are available to allow the addition of additional scope of work included in Phase 3 project, and

WHEREAS, the cost for the additional requested services is \$40,000.

NOW THEREFORE BE IT RESOLVED, that Technical Services Agreement Amendment No. 1, by and between the Authority and the St. Lawrence County Industrial Development Agency, for a total not to exceed contract amount of \$100,000, is hereby approved.

All of the above is established by the signatures of the authorized representatives of the parties.

**DEVELOPMENT AUTHORITY
OF THE NORTH COUNTRY**

**ST. LAWRENCE COUNTY
INDUSTRIAL DEVELOPMENT AGENCY**

By: _____
James W. Wright
Executive Director

By: _____
Patrick Kelly
Chief Executive Officer

MOHAWK, ADIRONDACK & NORTHERN RAILROAD CORP.
NEWTON FALLS BRANCH REHABILITATION
JEFFERSON, LEWIS & ST. LAWRENCE COUNTY
ESD PROJECT X997

By: DJE
Date: 1/10/2018

PHASE 2 PROJECT BUDGET

Work Element	Cost
Contracted track and bridge construction (Rhinehart Railroad Base Bid + Add Alt A)	\$6,876,570.56
Change Order 1 - 5,800 additional ties & changes to turnout work (Rhinehart)	\$603,465.92
Change Order 2 - Disposal credit (Rhinehart)	-\$91,000.00
Change Order 3 - 1,000 additional ties (Rhinehart)	\$113,040.00
Change Order 4 - Add 250 ties, 48" CSP, Overruns (Rhinehart)	\$104,498.75
Change Order 5 - Add 250 ties, Overruns, Clean Up (Rhinehart)	\$127,974.24
Change Order 6 - Final Over/Under Clean Up (Rhinehart)	-\$112,201.68
Construction phase engineering (Erdman Anthony)	\$135,000.00
Construction inspection (Erdman Anthony)	\$210,000.00
Track markout, inspection, ditching, admin, materials, and misc. force account work (MHWA)	\$300,000.00
Grant administration (DANC)	\$100,000.00
Phase 3 Matching share reserved for 10 NBRC/FRA crossings (Erdman Anthony and Contractor TBD)	\$149,845.00
Phase 3 Inspection and administration (MHWA)	\$31,712.00
Carthage grade crossing study (Erdman Anthony)	\$38,000.00
Remaining Contingency	<u>\$85,095.21</u>
Total ESD Grant	\$8,672,000.00

MOHAWK, ADIRONDACK & NORTHERN RAILROAD CORP.
NEWTON FALLS BRANCH REHABILITATION
JEFFERSON, LEWIS & ST. LAWRENCE COUNTY
ESD PROJECT X997
NBRC-15-G-NY-00001

By: DJE
Date: 1/10/2018

PHASE 3 PROJECT BUDGET

Work Element	Cost
<u>Engineering (EA)</u>	
General & Administration	\$11,300.00
NEPA/SEQR	\$20,500.00
Design & Bidding	\$36,560.00
Construction Support	\$13,400.00
Construction Observation	\$39,600.00
<u>Administration (DANC)</u>	
Project Management	\$40,000.00
<u>Construction</u>	
Track Contract	\$595,757.09
<u>Administration (MHWA)</u>	
MHWA	\$31,712.00
10% Contingency	\$78,882.91
Total Cost	\$867,712.00

Funding	Share
NBRC Grant	\$234,155.00
FRA Grant	\$396,000.00
ESD Grant (remaining from Phase 2)	\$181,557.00
MHWA in-kind services	\$12,000.00
Total Funding	\$823,712.00