REQUEST FOR PROPOSAL
(RFP)
PROFESSIONAL CONSULTING SERVICES

Proposed Decommissioning of Upper Minkel Dam (Croton Dam and Dike)

Town of New Castle
Westchester County, N.Y.

March 25, 2021

I. Invitation to Submit Proposals

The Town of New Castle is soliciting services of qualified civil/structural/environmental/landscape firms with considerable experience for the decommissioning and wetlands restoration for existing NYSDEC High Hazard Dams (Class C). The requested services shall encompass all phases of a comprehensive dam decommissioning project and wetlands restoration which includes, but is not limited to, the preparation of design and construction plans, including conceptual plans, permitting from the Town of New Castle, Town of Ossining, NYSDEC and USACE, preparation of wetlands restoration plans, an engineer’s cost estimate, preparation of bid documents, and construction administration and inspection. The Town of New Castle intends to award a contract to a consultant that is capable of handling all of the work in-house, with the exception of the services of a NYS professional land surveyor. The Selected Professional Consultant (“SPC”) should meet the qualifications as contained in this request and should have a history of successfully performing services on similar comprehensive projects.

The proposal must be received by the Town Clerk’s Office no later than 12:00 noon on Friday, April 16, 2021 and shall be entitled “Proposed Decommissioning of Upper Minkel Dam (Croton Dam and Dike).” Please submit three (3) copies of the proposal to:

Town of New Castle Town Hall
200 South Greeley Avenue
Chappaqua, New York 10514
Attn: Ms. Christina Papes, Town Clerk

Alternatively, proposals may be submitted electronically to bids@mynewcastle.org. Electronic submissions must be received by the Town Clerk by no later than 12:00 noon on Friday, April 16, 2021. Electronic submissions must be entitled “Proposed Decommissioning of Upper Minkel Dam (Croton Dam and Dike)” and such title shall be included in the email subject line.
II. Description of Project Area

The Upper Minkel Dam, which is classified by the NYSDEC as a Class C (High Hazard Dam - DEC-ID # 214-5766) is also known as the Croton Dam and Dike which is part of the Sunny Ridge Preserve which is a Town owned park located westerly of Croton Dam Road (NYS Route 134). (See attached Location Map L-1).

III. Scope of Services

The Scope of Services involves all necessary analyses and documentation for decommissioning and wetlands restoration design and construction for the Project Area as described above in Section II. At a minimum, the services will be provided as outlined below:

Task 1: Preparation of Surveys and Tree Location:

Task 1.1 Topographic

Preparation of a topographic survey of a portion of the subject property (Section 79.1-, Block 1, Lot 7) surrounding the dams and pond, the adjacent residential properties, and prepare mapping in AutoCAD format. The mapping shall show about 20 acres of visible improvements, roadways, structures, etc. with a 1-ft contour interval, and spot elevations on all flat surfaces and improvements (See attached Limits of Topographic & Boundary Survey Map TBS – 1). All spot elevations shall be to the nearest 0.01-ft on hard surfaces and 0.1-ft on soft surfaces spaced no more than 50-ft apart. All vertical data shall be based on the North American Vertical Datum of 1988. The SPC shall locate the wetland flags set by the SPC in conjunction with the Town’s Environmental Coordinator and overlay on the final topographic map. Take a 100 ft. diameter sampling of trees, measure the location of individual trees, record the diameter and species. Overlay the location on the final topographic map.

Task 1.2 Boundary

Preparation of a boundary survey, including the establishment of the property line between the project site (Town of New Castle Tax Parcel: Section 79.20, Block 1, Lot 7) and the following adjacent tax parcels located within the Town of New Castle:

- Section 81.17, Block 1, Lots 1, 2 & 3 (westerly property lines only)
- Section 79.20, Block 1, Lot 6 (easterly property line only);

and the following adjacent tax parcels within the Town of Ossining:

- Section 81.17, Block 1, Lots 1, 2 & 3 (entire property)
The SPC shall overlay the boundary survey onto the topographic mapping in AutoCAD format as prepared under Task 1.1 above. The mapping shall show all known property line and easement information (if any) and all visible improvements in relation to the property lines. (See attached Limits of Topographic & Boundary Survey Map TBS-1).

**Task 1.3 Bathymetric**

Preparation of a bathymetric survey of the existing pond and prepare mapping in AutoCAD format. The mapping shall show elevations at 1-foot contour intervals. The mapping shall be overlaid on the mapping prepared under Task 1.1 and Task 1.2 above. Measurements shall be taken using a single-beam echo sounder in order to establish the existing soft bottom.

**Task 1.4 Tree Locations**

It is understood that a complete initial survey of all tree locations located within the Topographic & Boundary Survey limits is impractical and costly. The location of regulated trees (any living woody plant with a DBH of four (4) inches or more as per Chapter 121 of the Town of New Castle Town Code) will be located within the areas of disturbance as shown on the conceptual drawings.

Therefore, the cost associated with Task 1.4 shall be based upon a daily rate and a maximum duration of five (5) days (8 hours/day).

**Task 2: Environmental/Ecological/Archeological Investigations:**

**Task 2.1 Biological Assessment including Threatened and Endangered (T&E) Species Assessment**

In order to assess the potential for adverse impacts to existing wildlife, including federal and/or state-listed species or associated suitable habitat within the subject project site, the SPC shall prepare a biological assessment report based on a thorough site reconnaissance (See attached Project Area Map PAM-1). The assessment shall be performed to determine dominant plant communities, record casual wildlife observations and also utilize publicly available data and/or studies to provide further information on anticipated species that are likely present at the project site. The resulting assessment shall also provide information to generally characterize habitats consistent with Ecological Communities of New York State (2014 edition) to determine degree of suitability and likelihood for potential T&E species to utilize the project area. Clearance of any potential adverse impacts to such species is required for completing the federal and state permit applications included under Task 2.1. Any habitats consistent with the potential for listed species known to be located within the general region will be reported along with recommendations for any restrictions and/or mitigating measures to avoid impacts and/or an incidental takings, as applicable. The report shall include:
• Preparation and submittal of a Natural Heritage Review Request to the NY Natural Heritage Program (NHP) for review and documentation of federal or state-listed threatened or endangered species at, or in proximity of, the proposed site.
• Review of the US Fish & Wildlife Service Critical Habitat Mapper program and County List of threatened and endangered species.
• Documentation of predominant mammalian, avian, amphibian, reptilian, and botanical species observed on the subject Site and gathered from public repositories, including species that are potentially likely to exist based on associated suitable habitat characteristics, but were not observed. Species shall be identified and categorized according to their current scientific and common names.
• Locations (generic sketch map with NAD83 GPS coordinates) of any active raptor nests observed on, or within 1,000 feet of, the proposed areas of disturbance.
• A list and discussion of potential listed species based upon the presence and/or absence of associated suitable habitat characteristics and/or ecological communities.
• A discussion of the general ecological conditions of the subject property.

The SPC shall coordinate directly with the NYSDEC Region 3 Division of Wildlife and the U.S. Fish and Wildlife Service (USFWS) Cortland Field Office in order to provide the Client with formal regulatory determinations regarding potential adverse impacts to state and/or federally-listed species. This will be summarized in the rare species report.

**Task 2.2 Wetland/Watercourse Delineation**

Review and visit the site and surrounding area for any locally, state or federally regulated wetlands, watercourses or Waters of the U.S. (WOUS). It is understood the proposed project will involve a regulated wetland / watercourse; therefore, the ordinary high-water mark (OHWM) and wetland boundaries will need to be reviewed and flagged in the field. The SPC shall review reasonably ascertainable wetlands data for the site, including, but not limited to, the following:

• USGS topographic maps
• NYSDEC Freshwater Wetlands Maps
• National Wetlands Inventory (NWI) Maps
• County and NYS GIS maps
• NRCS Soils Maps
• FEMA floodplain maps
• Satellite/Aerial Imagery
The formal wetland delineation will be in accordance with the following delineation manuals for a routine field determination based on examination of hydrology, soil and vegetation:

- NYS Department of Environmental Conservation’s (DEC’s) 1995 New York State Freshwater Wetlands Delineation Manual
- USACE 1987 Corps of Engineers Wetlands Delineation Manual (the 1987 Manual); and,
- Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region

Sequentially-labeled “WETLANDS DELINEATION” flagging will be placed in the field at any upland/wetlands or OHWM boundaries observed within the subject property. Wetlands Determination Data Forms (Northcentral and Northeast Region) will also be completed for upland/wetland communities based on field observations of soils, vegetation, and evidence of hydrology.

Prepare and submit a report to the Client, summarizing the results of the on-site freshwater wetland and watercourse delineation. The report will include a detailed preliminary review data, description of soils, vegetation, and hydrology observed at the site (if any), including photographs and maps depicting the soils, wetlands, and topography of the site (if observed).

Prepare and submit a Jurisdictional Determination (JD) request to the USACE to confirm the limits and extent of regulated areas subject to regulatory review and approval under Section 404 of the Clean Water Act. The wetland report to be developed as indicated in the paragraph above shall also include the information required as specified on the Checklist of Information Included with Requests for JDs located on the USACE New York District website.

**Task 2.3 Sediment**

**Task 2.3.1 Sediment Sampling and Characterization**

Previous sediment sampling was performed on September 27, 2016 by Tectonic Engineering, in which copies will be provided to the SPC. However, conditions can change overtime. If required by the DEC during the permit process, the SPC shall perform updated sediment sampling for laboratory analysis as outlined in the table below. The sampling shall consist of the collection of five (5) composite samples and five (5) grab samples. Each composite sample shall be collected from five locations at each sampling station, which will be composited into one sample. A grab sample location will not be included/represent any of the five sample locations to be composited in the field from within a sample station. Samples will be collected from the top 1 to 3
inches at each location, however, if sediment is greater than 3 inches in thickness, samples will be collected from different depth intervals, to obtain representative samples from each depth. Individual sampling locations from within a sample station will be located using a hand-held GPS unit. Collected samples will be placed within pre-cleaned laboratory containers, packaged on ice and shipped by proper chain-of-custody procedures in general accordance with industry accepted protocol. Standard 10-day turn-around time and industry standard deliverables will be requested on the COC form.

<table>
<thead>
<tr>
<th>Soil Sample Analytical Parameters</th>
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<tbody>
<tr>
<td>Parameter</td>
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<tr>
<td>6 NYCRR Part 375 Volatile Organic Compounds (VOCs)</td>
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<tr>
<td>6 NYCRR Part 375 Semi-Volatile Organic Compounds (SVOCs)</td>
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<tr>
<td>Total Polychlorinated Biphenyls (PCBs)</td>
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<tr>
<td>6 NYCRR Part 375 Pesticides and Herbicides</td>
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<tr>
<td>6 NYCRR Part 375 Metals (including cyanide, mercury and hexavalent chromium)</td>
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<tr>
<td>Full RCRA Characteristics (Ignitability / Reactivity / Corrosivity)</td>
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Should any of the above parameters exceed the 20X rule, Toxicity Characteristic Leaching Procedure (TCLP) analysis can be performed for an additional fee, which the fee shall be indicated as a separate line item under Task 2.4.1.

Prepare a Field Sampling Plan (FSP) detailing the steps to perform sampling and analytical testing. If reviewed by the NYSDEC, comments will be incorporated and the associated fee shall be included under Task 2.3.1.

**Task 2.3.2 Upstream/Downstream Background Sediment Sampling**

Perform upstream and downstream background sampling for laboratory analysis as outlined in the table below. The sampling shall consist of the collection of two (2) composite samples and two (2) grab samples, one at an upstream sample station and one at a downstream sample station. Each composite sample shall be collected from five locations at each sampling station, which will be composited into one sample. A grab sample location will not be included/represent any of the five sample locations to be composited in the field from within a sample station. The upstream sample will be taken from the small stream feeding the impoundment from the north, located at the Sunny Ridge Preserve.
The Downstream sample will be collected in the portion of Purdy Pond on the same parcel as the Upper Minkel Dam (on the Town’s property.) It should be noted that, the majority of Purdy Pond, as well as access to this area, are located in the Town of Ossining - Spring Pond Condominium community. As such, the downstream sampling should be coordinated by the Town with the community representatives.

Sampling locations will be located using a hand-held GPS unit. Collected samples will be placed within pre-cleaned laboratory containers, packaged on ice and shipped by proper chain-of-custody procedures in general accordance with industry accepted protocol. Standard 10-day turn-around time and industry standard deliverables will be requested on the COC form.

<table>
<thead>
<tr>
<th>Soil Sample Analytical Parameters</th>
<th>Method</th>
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<tr>
<td>6 NYCRR Part 375 Volatile Organic Compounds (VOCs)</td>
<td>EPA 8260</td>
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<tr>
<td>6 NYCRR Part 375 Semi-Volatile Organic Compounds (SVOCs)</td>
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<tr>
<td>Total Polychlorinated Biphenyls (PCBs)</td>
<td>EPA 8082</td>
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<tr>
<td>6 NYCRR Part 375 Pesticides and Herbicides</td>
<td>EPA 8081 / 8151</td>
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<tr>
<td>6 NYCRR Part 375 Metals (including cyanide, mercury and hexavalent chromium)</td>
<td>EPA 6010 / 9012 / 7471 / 7196</td>
</tr>
<tr>
<td>Full RCRA Characteristics (Ignitability / Reactivity / Corrosivity)</td>
<td>EPA 1030 / 9045 / 9012 / 9034</td>
</tr>
</tbody>
</table>

Should any of the above parameters exceed the 20X rule, Toxicity Characteristic Leaching Procedure (TCLP) analysis can be performed for an additional fee, which the fee shall be indicated as a separate line item under Task 2.3.2.

An FSP detailing the steps to perform sampling and analytical testing can be prepared as directed. If reviewed by the NYSDEC, comments will be incorporated and included under Task 2.3.2.

**Task 2.3.3   Sediment Thickness Estimate**

While sampling sediment, the SPC shall probe the delta from soft to hard bottom from a small row boat or similar, across the approximately 50-foot corridor between the dam and the upstream inlet.
Task 2.3.4 Field Sampling Summary Report

Review the analytical test results and compare them to applicable NYSDEC soil standards to determine if remedial action is warranted. The results of the SPC’s field sampling and analytical results will be summarized in a Limited Phase II Report and will include the following:

- Site description;
- Sampling methodology;
- Subsurface investigation and sampling description;
- Analytical test results;
- Sample location plan (sketch map);
- Summary of test results compared to NYSDEC standards;
- Findings and recommendations, as warranted.

Task 2.4 Archeological

Task 2.4.1 Phase 1A

Complete a Phase 1A archaeological investigation, which will consist of a background and literature search utilizing site records held at the State Historic Preservation Office (SHPO) and the State Museum. A review of National Register properties, historic structures, and prehistoric sites will be conducted as well as an evaluation of the potential for unknown sites based on environmental factors.

Task 2.4.2 Phase 1B

If required, a Phase IB survey, will be completed within the project area that would be subjected to archaeological scrutiny (surface observation and where relevant, shovel testing). The SPC shall prepare a Phase I archaeological report which will summarize the findings of the Phase 1A/B cultural resource assessment.

Task 2.4.3 NYSOPRHP Concurrence

To aid in the assessment of potential effects upon historic and cultural resources as required under NYSDEC permits, the SPC shall conduct a Desktop Review using the Cultural Resource Information System (CRIS) to review the project site and if needed, consult with SHPO. This investigation will evaluate the potential for historic and cultural resources within and adjacent to the project area. If historic or cultural resources are indicated as being on or adjacent to the site, the SPC shall submit a formal regulatory consultation package to SHPO for their review and recommendations regarding potential adverse impacts to resources on site.
The SHPO response letter will be included in the permit application submittal to the NYSDEC.

Task 3: Detailed Design:

Task 3.1 Hydrologic, Hydraulic, and Fluvial Design

Analyses shall be performed to document and develop:

- Updated hydrology for the watershed and coordination with the permitted design documents for Lower Minkel Dam and shall be based upon a 1-year, 2-year, 5-year, 10-year, 25-year, 50-year and 100-year 24-hour storm event.
- Hydraulic response discharging to the upper reach of Purdy Pond for a 1-year, 2-year, 5-year, 10-year, 25-year, 50-year and 100-year 24-hour storm event.
- Provide a detailed discussion (qualitatively and quantitatively) which describes the proposed mitigation measures that would ensure that post development stormwater runoff volumes (cubic feet) from the project site would not adversely affect adjacent and downstream properties and existing off-site drainage infrastructure.
- Provide a comprehensive evaluation of the qualitative and quantitative impacts to the existing downstream off-site drainage network in terms of capacity, hydraulic grade, increased pond elevation, water quality and water quantity (peak flows and runoff volumes) and any proposed appropriate mitigation that may be required.
- Interconnected pool routing between a forebay, up to 2 in-line micropools, and Purdy Pond below.
- Staged channel design for a 1-year, 2-year, 5-year, 10-year, 25-year, 50-year and 100-year 24-hour storm event.
- Stability design for channel banks using a mix of soft and hard solutions.
- Up to 3 discharge weirs (including the breach weir at the current dam location that does not create a backwater increase of 1 foot or more) with rock ramps. The longitudinal channel will be designed consistent with US Fish and Wildlife Service criteria to permit fish passage from Purdy Pond upstream through the forebay.
- Soil filter design between native soils, imported soils, and channel stabilization.
- Implementation of energy dissipation where velocities exceed erosive thresholds.

Computational results shall be tabulated with supporting backup for inclusion in the design report.

Task 3.2 Design Documents

Based on a site visit and the analyses performed above, coordinate and prepare the following design documents in AutoCAD format. These documents will indicate the scope of the project, geometry, limit of disturbance, soil erosion and sediment control measures, restoration of disturbances, and general details related to the improvement. They will also be used for regulatory approvals associated with the execution of this project. These plans will likely include the following sheets in 22” x 34” format and at 1” = 20’ scale (sheets
may be consolidated or bifurcated during design as detailed understanding of the clarity and presentation of the work is refined):

- **Cover Sheet** indicating general project information, legend, and notes.
- **Typical Sections** indicating the approach to the scope of work for the new channel and pools.
- **Removals Plan** indicating elements to be cleared, salvaged, or disposed. Natural materials will be retained on site to the extent practical.
- **Plan** indicating detailed configuration, access, geometry, construction directives, dimensions, tables, and notes.
- **Grading Plan** showing required elevations, contours, grading patterns, and the presumed retention of sediments at upland locations on site. The two closure dikes are planned to remain in place without modification.
- **Profile Plan** indicating the longitudinal gradient for the new channel and pools.
- **Sequencing and Staging Plan** showing temporary facilities, laydown areas, and construction sequence (coordinated with permit requirements).
- **Water Control Plan** showing planned construction cofferdams, diversions, siphon operation, maintenance lowering protocol, and anticipated capture, removal and release of resident fish, including fish located within cofferdams, prior to and during dewatering. Required siphon design was previously developed by Tectonic Engineering under the Enhanced Monitoring Plan and will be provided to the SPC.
- **Erosion Control** Plan indicating the limit of disturbance and the locations of water quality / quantity control devices to be used during construction. The project will not disturb more than 5 acres at one time.
- **Details** necessary for the construction of the improvements.

Progress submittals will be made to the Town at 30 and 60 and 95 percent stages. Feedback and comments shall be addressed in subsequent submittal stages. The 60 percent deliverable shall be used for permit application submittals.

**Task 3.3 Sixty (60) Percent Design Plan meetings/presentations with the Town Board (New Castle and Ossining), Homeowners and Spring Pond HOA:**

The SPC shall be required to meet to discuss and present a Power Point Slide Show with the entities as mentioned above in order to obtain input on the 60% Design Drawings to discuss various proposals/approaches. Time should be accounted for any review comments received from the meetings. For the purposes of this RFP, a minimum of four (4) meetings at 2- hours per meeting should be included in the proposal for Task 3.3. The fee for Task 3.3 shall be based upon an hourly rate for a total time of eight (8) hours.
Task 3.4 Sediment Management Plan

Prepare a Sediment Management Plan, which shall be comprised of three primary parts:

- Field Sampling Plan (FSP);
- Sediment Excavation Plan (SEP);
- Sediment Management Plan report (SMP Report) documentation requirements

The Field Sampling Plan shall detail the steps to perform required sampling and analytical testing during construction. The Sediment Excavation Plan shall define the excavation, storage, transportation and disposal methods and procedures. A suitable Beneficial Use Determination (BUD) is expected to be available under Part 360. The Sediment Management Plan report identifies the required documentation for the activities performed under the SMP.

Task 3.5 Mitigation Plan

Develop and document the vegetative re-establishment of the former impoundment.

- Coordinate with the Town’s Environmental Coordinator
- Utilize Herbicide-free establishment through adaptive management
- Obtain vision through community engagement
- Develop conceptual planting and passive elements
- Obtain consensus through community engagement
- Prepare preliminary design drawings
- Finalize design drawings for permits
- Prepare permit narrative for mitigation plan and establishment
- Evaluate options and recommending a method of accomplishing establishment and maintenance (e.g. construction contractor, separate procurement, Town-performed, design professional)
- Prepare a 5-year annual adaptive management schedule and program
- Prepare a long-term Maintenance Plan for the site

Task 3.6 Offsite Impact Analysis

The discharge during frequent and infrequent storms at the downstream spillway exit for Lower Minkel Dam shall be computed for two conditions:

- Siphon operation during the draining of the Upper Minkel impoundment
- After the decommissioning of Upper Minkel Dam

The NYSDEC may require cascade analysis to the current dam location of the new “below permit threshold” dams that are created to develop the micropools. The analysis is included in this task budget. The analyses require a copy of the approved plans and design report for Lower Minkel Dam. The comparisons will be aligned with the hydraulic responses developed by the engineer for Lower Minkel Dam.
Task 3.7 Design Report

Prepare a report that includes a summary of the information provided, the analyses performed, and the designed solution. Supporting documentation developed during the performance of this scope of work will be appended to the report. The report shall be provided and presented for review and comment before it is finalized. Upon receipt of all input and direction from the Town, the report shall be finalized for use during the permit filing phase.

Task 3.8 Technical Specifications (DSS)

The preparation and coordination of technical specifications for the jurisdictional dam elements as required by the NYSDEC DSS.

Task 3.9 Cost Estimate

Prepare an initial project cost estimate based on the design. Key items will be quantified. Undeveloped scope will be assigned appropriate percentages and/or factors. Unit prices will be based on recent public bid price reports and other relevant cost data.

Final Design Drawing Deliverables:

1. Design scaled Auto Cad drawings on CD – (2 CD’s)
2. Four (4) sets of signed and stamped large (24” x 36”) and reduced (11” x 17”) plan set and PDF

Task 4: Adjoining Homeowner Accommodation:

Task 4.1 Construction Access Across Adjoining Properties (Section 81.17, Block 1, Lots 1, 2 & 3) located within the Town of Ossining

Create individual maps which shows the temporary construction access across the selected lots. The mapping shall show all known property line and the construction access route information and all visible improvements in relation to the property lines. The SPC shall coordinate with the homeowner regarding the signing of the Consent and Release Agreement. Sample Consent and Release Agreements shall be provided to the SPC by the Town and reviewed by Town Counsel and approved by the Town Board.

Task 4.2 Accommodation Plan

Support the Town in their ongoing dialog with the adjacent homeowners relative to potential construction impacts through the preparation of information, letter correspondence, estimates, teleconferences, schematics, and similar as-directed guidance. All information shall be reviewed by the Town Administrator and Town Engineer.
**Task 4.3 Stakeout**

Perform a field layout of the clearing limits for the temporary construction access road across multiple properties. Survey lath or tape flagging at approximately fifty-foot intervals will be left in the field for visual reference. A stakeout sketch of the layout will be provided for field reference. All stake-out mapping shall be prepared, signed and sealed by a licensed NYS professional land surveyor.

**Task 4.4 Monumentation**

Furnish and install concrete monumentation at property corners designed by the Town within the surveyed footprint. Generally, these monuments are anticipated to be placed at property corners adjoining the Town land east and south of the waterbody. All monumentation shall be prepared and staked by a licensed NYS professional land surveyor.

**Task 5: Permitting:**

**Task 5.1 SEQRA**

**Task 5.1.1 Full EAF**

Complete Part 1 of a Full Environmental Assessment Form (“FEAF”), with supporting documentation, in accordance with the State Environmental Quality Review Act (SEQRA) to assess the potential environmental impact of the proposed project. The project site is assumed that it will fall under Type I or Unlisted action types in Part 617. Completion of Part 1 of the FEAF will include general information related to the proposed project and site, regulatory descriptions of the project and its approvals. The Part 1 FEAF will be submitted to the Town for their use in establishing a Lead Agency for coordinated review.

**Task 5.1.2 Support**

Assist with the completion of Parts 2 and 3 of the FEAF (using information consisting of information/documentation as prepared during Task 1 thru task 4) for the Lead Agency to make a determination on the significance of the environmental impacts associated with the site. Prepare a draft of a Negative Declaration to be reviewed by the Town of New Castle Director of Planning. If the project is issued a positive declaration by the Lead Agency (meaning significant potential impacts were identified), the SPC shall provide a separate proposal to prepare an Environmental Impact Statement (EIS).

**Task 5.1.3 Office of General Services**

NYS Office of General Services (OGS) may require a permit for any fill, located in, on, or above state-owned lands under water that are regulated under the Public Lands Law. The Bureau of Land Management will need to be consulted for permit applicability prior to submitting an application.
The aforementioned permit would be applied for using a Joint Application for Permit (JAP). The site plans/survey, photo documentation and project scope narrative with explanation of the need to perform such work while minimizing adverse impacts to the wetlands and watercourses directly impacted would accompany the JAP to the applicable regulatory agencies.

**Task 5.1.4 NYSDEC and USACE Joint Application for Permit**

To complete the proposed work, federal and state regulatory agencies will require permits. The permits will address the work and its relationship to protected waters of the U.S and New York State. Based on project scope, it is anticipated that the following permits may be required prior to the start of construction:

- US Army Corps of Engineers (USACE) – Section 404 of the Clean Water Act
- NYSDEC – Article 15 – Construction, Reconstruction, Repair, or Removal of Dams
- NYSDEC – Article 15 – Water Quality Certification Under Section 401 of the Clean Water Act

Section 404 of the Clean Water Act regulates the discharge of dredged and fill material into waters of the United States, including wetlands. These permits are enforced jointly by the USACE and USEPA. This project may be eligible for Nationwide Permit (NWP) Number 27 – Aquatic Habitat Restoration and/or Number 53 – Removal of Low-Head Dams (if the final project scope meets defined conditions set forth within permit). If the project scope will exceed the thresholds of the NWP, an Individual Permit may be warranted, in which a separate line item shall be included under task 5.1.4. Compliance with the Endangered Species Act and/or Section 106 of the National Historic Preservation Act (both included above) will be required before a Section 404 permit can be issued. Based on the current project scope, a Section 404 and corresponding Section 401 Water Quality Certification will be needed.

NYSDEC Article 15 regulates certain lakes, rivers, streams and ponds. Certain waters of the state are protected on the basis of their classification. Article 15 regulates five (5) categories of activities, which include the following: Disturbance of the Bed or Banks of a Protected Stream or Other Watercourse, Construction, Reconstruction or Repair of Dams and Other Impoundment Structures, Construction, Reconstruction or Expansion of Docking and Mooring Facilities, Excavation or Placement of Fill in Navigable Waters and Their Adjacent and Contiguous Wetlands, and Water Quality Certification for Placing Fill or Undertaking Activities Resulting in a Discharge to Waters of the United States. Streams and small water bodies located in the course of a stream with a qualifying classification (AA, A, B, or C with a standard of (T) or (TS)) and navigable watercourses are collectively referred to as "protected streams". These water bodies
are subject to the stream protection provisions of the Protection of Waters regulations. Navigable designations can only be obtained through consultation with the DEC. Therefore, the SPC shall submit a jurisdiction validation request to determine if the waterbody/watercourse is protected under Article 15 provisions. Dam safety compliance is also regulated under this Article.

The aforementioned permits (as applicable, if required by the regulatory agency) would be applied for using a Joint Application for Permit (JAP) with Supplement D-1. The site plans/survey, photo documentation and project scope narrative with explanation of the need to perform such work while minimizing adverse impacts to the wetlands and waterbodies directly impacted would accompany the JAP to the applicable regulatory agencies.

Task 5.1.5 NYSDEC SPDES

Task 5.1.5.1 SWPPP

Since this project will disturb more than one (1) acre, a Stormwater Pollution Prevention Plan (SWPPP) and its associated detailed computations are required by State law. The project is not located within the NYCDEP EOH watershed. The SWPPP shall demonstrate construction storm water quality management and pollution prevention in accordance with the State’s design standards. Post-construction controls are not required.

Prepare a SWPPP to reflect the final design and fulfill the State’s requirements. FONSI from both the State Historical Preservation Office for Cultural Resources (provided separately) and the NYSDEC/USFW for Threatened and Endangered Species (provided separately) is required.

Task 5.1.5.2 eNOI

Prepare the required electronic Notice of Intent (eNOI) document to the State for coverage under the State’s SPDES General Permit 0-20-001. Weekly construction compliance inspections will be performed as outlined below. This project is sponsored by the MS4 and does not require land use approvals. Therefore, the project does not require MS4 acknowledgement on the NOI.

Task 5.1.6 Town of New Castle Permits

The Town of New Castle regulates wetlands, watercourses, and waterbodies and a 100-foot wetland buffer area in accordance with Chapter 137 of the Town of New Castle Town Code. It is anticipated that the project will involve impacts to a wetland / watercourse and the regulated buffer area are necessary, therefore a Town of New Castle permit would be required. The plans shall include the requisite information to demonstrate compliance for permit issuance.
The Town appears to have the right to remove trees for its own projects, but a permit can be filed under Chapter 121 of the Town of New castle Town Code, if requested. The plans shall include the requisite information to demonstrate compliance for permit issuance.

Building permits for the construction will be the responsibility of the future construction contractor. The final plans shall be provided to the Town for review prior to public bid to obtain any offered feedback. Special Inspections (if any) shall be tabulated.

**Task 5.1.7 Town of Ossining Permits**

The Town of Ossining regulates wetlands, watercourses, and waterbodies and a 100-foot wetland buffer area in accordance with Chapter 105 of the Town of Ossining Town Code. It is anticipated that the project will involve impacts to a wetland / watercourse and the regulated buffer area are necessary, therefore a Town of Ossining permit would be required. The plans shall include the requisite information to demonstrate compliance for permit issuance.

Clearing of a regulated tree within the Town is not currently envisioned. However, the SPC shall prepare a permit under Chapter 183 of the Town of Ossining Town Code if the final design requires. The plans shall include the requisite information to demonstrate compliance for permit issuance.

Minor grading within the Town is not currently envisioned. The SPC shall prepare a permit under Chapter 92 of the Town of Ossining Town Code, if the final design requires. The plans shall include the requisite information to demonstrate compliance for permit issuance.

**Task 6: Construction Documents and Procurement Support:**

**Task 6.1 Construction Documents**

Upon receipt of permits, executed access agreements, and Town comments, the SPC shall finalize the project plans for construction purposes. This work shall include coordination regarding the final designs, final detailing, remaining technical specifications, and adding dimensioning to situate the improvements for the contractor’s execution.

Prior to bidding, the 95 percent construction documents shall be provided to the Town for final review, comment, and acceptance. The final feedback shall be incorporated into the 100 percent set.

The Town shall provide the SPC the Front-End Bid Documents in WORD to be utilized for the preparation of the bid documents. These bid documents shall include:
Task 6.2 Cost Estimate

Prepare a cost estimate based on the 60%, 95% and 100% percent levels. Unit prices will be based on recent public bid price reports and other relevant cost data and inflation factors and applicable contingencies.

Task 6.3 Procurement Support

This work shall include the preparation and coordination of the project manual details, public notice, bid form, estimate of quantities, prevailing wages, and overall edits to the Town-supplied project construction contract and general conditions of contract. The fees contained in this proposal assume this project will be bid with one (1) set of plans and one (1) set of specifications for one (1) contract letting.

Task 6.4 Bid Support

During the bidding process, the SPC shall perform the following:

- Attend a pre-bid meeting and prepare meeting minutes
- Interpret the documents in response to technical contractor questions
- Respond to all contractor inquiries relative to requests for information and/or document interpretations
- Prepare and issue to the Town addenda and/or clarification statements, as necessary, to meet the bid receipt schedule
- Tabulate and review the submitted bids in conjunction with the Town Engineer
- Review and check the references as provided by the lowest apparent bidder
- Provide a written technical recommendation of award to the Town Engineer
Construction Drawings and Bid Documents Deliverables:

i. Design scaled Auto CAD drawings on CD – (2 CD’s)

ii. Four (4) sets of large (24” x 36”) and reduced (11” x 17”) plan set and electronically (PDF)

iii. Four (4) sets of stamped and signed construction drawings and bid documents and PDF

Task 7: Construction:

Task 7.1 Construction Administration Support

During the construction of the project, the SPC shall support the Town and perform the following:

- Upon award, review and approve the schedule of values and construction schedule
- Chair and attend a preconstruction meeting
- Prepare and issue pre-construction meeting minutes (See Note 1)
- Chair and attend monthly onsite/virtual construction meetings (See Note 1)
- Prepare and issue monthly construction meeting minutes (See Note 1)
- Respond to contractor inquiries relative to requests for information and/or document interpretations
- Assist with conflict resolution, should the occasion arise
- Prepare directives or sketches to address modifications required due to field conditions encountered
- Review and approved contractor’s shop-drawing submissions of required components in accordance with the construction documents
- Review monthly payment requisitions, constructed quantities, payroll records, and OSHA10 cards in conjunction with the Town Engineer
- Perform a project walkover with Town representatives at the time of substantial completion and prepare a punch list of deficient construction items
- Perform a final project walkover prior to release of final payment
- Review the contractor’s as-built and certify the completed work to the Town and NYSDEC
Task 7.2 Construction Inspection

Since the NYSDEC will require verification that dam removal was completed in accordance with the plans, specifications, and conditions of the NYSDEC permit, the SPC shall perform the following:

- Assist the Town with any specified material testing that may be required
- Perform construction inspection services (See Note 1)
- Prepare inspection reports summarizing field observations
- Provide copies of test results
- Provide correspondence confirming that construction was compliant

Items of work requiring observation, quantification, testing and inspection applicable to this project include:

- Lowering of the water body to facilitate construction
- Access roads, tree removal
- Cofferings, diversions, and resident fish population capture, removal and release
- Sediment removals and beneficial reuse onsite
- Removal of the dam
- Construction of forebays, channels, pools, weirs, and energy dissipation
- Planting and initial establishment
- Restoration of property and cleaning up

Inspection and testing services are performed in accordance with all applicable ASTM and AASHTO guidelines; including the requirements of ASTM E329, Standards and Recommended Practices of Inspection and Testing Agencies. Our in-house material testing laboratory is AASHTO accredited and participants in the bi-annual AASHTO Materials Reference Laboratory (AMRL) and the Cement and Concrete Reference Laboratory (CCRL) laboratory inspection programs and is also accredited by the USACE.

All inspectors shall be experienced inspection technicians that are certified by the American Concrete Institute (ACI), International Code Council (ICC), and the National Institute for Certification in Engineering Technologies (NICET).

The fee for Task 7.2 shall include the Unit Rate Per Inspection, which shall be based upon Full-Time inspections of (8 hours /day) x (5 days/week) x (40 weeks) x Unit Rate Per Inspection. The proposal shall also include an option for Part-Time inspection services based upon (4 hours/day) x (5 days/week) x (40 weeks) x Unit Rate Per Inspection.
**Note 1:** In order to establish a fee for Task 7.1 and Task 7.2 assume the following:

1. Project duration of 10 months
2. A total of 20 construction meetings
3. A total of 12 payment requisitions

**Task 7.3 SPDES 0-20-001 Compliance Inspections & Reporting**

In accordance with NYSDEC SPDES GP 0-20-001 permit requirements, the SPC shall provide the required stormwater inspections by a Qualified Inspector on a weekly basis (<5 acres disturbed). This work will enforce the management plan developed during the planning process and outlined in the project’s Stormwater Pollution Prevention Plan (SWPPP). Post-inspection reports shall be provided to the Town for inclusion in the on-site SWPPP maintained by the Contractor.

If the Town implements a stabilized shut-down, the SPC shall advise the NYSDEC that the project has been idled (included in the fees quoted herein) and shall only be inspected on a monthly basis. The SPC shall then inspect the project on a monthly basis as required under state law.

This task shall be invoiced on a unit rate per inspection and will include all reimbursable expenses (excluding express mail, which is generally not required for this work) within the unit rate per inspection.

**Task 7.4 SPDES Permit 0-20-001 Closeout**

Upon completion of construction, the SPC shall perform the following services:

- Prepare the Project NOT, certify the Project’s stabilization, submit same to the Town for their signature, and submit the completed form to the NYSDEC for processing.

**Task 7.5 Construction Close-Out**

Prepare project construction record summary with supporting attachments, recommend release of retainage, perform a maintenance bond release inspection and recommendation after 2 years.

**Task 7.6 Mitigation Monitoring Closeout**

Upon completion of Mitigation/Plantings, the SPC shall perform the following services:

- Perform annual monitoring (assume 5 years to establishment)
• Perform site visits (assume 2 site visits per year during the growing season, whereas only one of these two site visits shall occur during an particular ‘orbital position window’ (e.g. spring, summer or fall) over 5 years)
• Prepare deficiency plan
• Prepare punch list
• Observation of contracted maintenance work (assume 3 site visits/year during work)
• Prepare deficiency sketch
• Prepare punch list
• Prepare certification of completion and acceptance recommendation
• Prepare long-term Maintenance Plan

IV. Schedule

The Kick-Off meeting with the Town will be held within Ten (10) calendar days of the date of Authorization to Proceed. The following schedule is anticipated:

<table>
<thead>
<tr>
<th>Task</th>
<th>Estimated Month Completed after Authorization to Proceed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Task 1 – Preparation of Surveys and Tree Location</td>
<td>Month 1</td>
</tr>
<tr>
<td>Task 2 - Environmental/Ecological/Archeological Investigations</td>
<td>Month 2</td>
</tr>
<tr>
<td>Task 3 – Detailed Design</td>
<td></td>
</tr>
<tr>
<td>• 30% Design</td>
<td>Month 3</td>
</tr>
<tr>
<td>• 60% Design, including meetings and presentations</td>
<td>Month 6</td>
</tr>
<tr>
<td>Task 4 - Adjoining Homeowner Accommodation</td>
<td>Month 7</td>
</tr>
<tr>
<td>Task 5 – Permitting</td>
<td></td>
</tr>
<tr>
<td>• Permit Documentation</td>
<td>Month 8</td>
</tr>
<tr>
<td>• 95% Design</td>
<td>Month 10</td>
</tr>
<tr>
<td>• Permit Issuance</td>
<td>Month 12</td>
</tr>
<tr>
<td>Task 6 - Construction Documents and Procurement Support</td>
<td>Month 14</td>
</tr>
<tr>
<td>Task 7 - Construction</td>
<td>Month 24 (weather permitting)</td>
</tr>
</tbody>
</table>
V. Proposal Content

A. The SPC shall provide the following in the proposal:

- A brief overview of the consultants with the type and number of projects of similar scope.
- Provide a list of the Consultant’s current job commitments. For each project please include the project name and location, the owner or engineer’s telephone number, the bid amount, the percent of the project completed, and estimated date of completion.
- The qualifications and experience of the firm, indicating ability to accomplish all work tasks.
- Describe the background and qualifications for each of the employees your firm would use in meeting the above-mentioned seven (7) tasks.
- The résumé of the Project Manager to be assigned to this Contract, with a listing of prior clients which the Project Manager served.
- A “Work Plan and Schedule”, which will outline how the Consultant intends to prepare and complete the scope of work, itemized by task (1 through 7). Include a linear timetable, with significant milestones, which outlines the sequencing, overlapping and interdependence of the individual tasks.
- List of at least three (3) references. Telephone numbers, email addresses and mail addresses must be included.

B. A “Project Cost Schedule” shall be submitted and shall provide a breakdown of costs by hour and tasks contained in “Work Plan and Schedule.” The “Project Cost Schedule” must include projected time and labor rates for individuals to be assigned to this project and include reasonable allowances for materials, travel and other project expenses. Include additional relevant information. The total of all projected costs (direct and reimbursable) is to be designated as “NOT TO EXCEED” amounts for each of the indicated tasks.

C. Submittal of an Hourly Fee Schedule, including consulting services provided by others and reimbursables. The Hourly Fee schedule is expected to remain in effect throughout the entire duration of the consultants work with the Town and until such time the construction project is completed and accepted by the Town.

VI. General Terms and Conditions

A. No proposal will be considered from any firm whose Principal(s) are not licensed to practice engineering in the State of New York.

B. The Consultant shall provide written notice in its proposal of any intent to take exception to any requirement of this RFP. Questions regarding the procedures for submitting a proposal should be directed to Robert J. Cioli, P.E., Town Engineer, at 914-238-7279 or e-mail at rcioli@mynewcastle.org

C. Questions regarding any aspect of the proposal should be submitted in writing, not less than
seven (7) calendar days prior to the date for submittal of proposals to the Town of New Castle. The individual making the request for an official interpretation or correction shall be responsible for its prompt delivery to the Town. Each interpretation or correction, as well as any additional RFP provision that the Town may include, will be made only in the form of a letter which will be mailed or delivered to each firm on record as having received a copy of the RFP. Any such letter issued by the Town shall become a part of the RFP. Only letters duly issued by the Town shall be binding revisions to this RFP. Prospective proposers are warned that no oral interpretation, information, or instructions by an officer or employee of the Town is authorized.

D. The proposal must be received by the Town by no later than 12:00 noon on Friday, April 16, 2021 and shall be entitled “Proposed Decommissioning of Upper Minkel Dam (Croton Dam and Dike).” Please submit three (3) copies of the proposal to:

Town of New Castle Town Hall
200 South Greeley Avenue
Chappaqua, New York 10514
Attn: Ms. Christina Papes, Town Clerk

VII. Withdrawal of Bids & Proposal:

Bids may be withdrawn in person or by writing by the Consultant provided that notice is given during normal business hours up to two hours before the scheduled bid opening time. Once the bids and proposals are opened, prices shall remain in effect for the duration of the contract.

VIII. Acceptance or Rejection:

The Town of New Castle reserves the right to reject any or all proposals or to waive any informality in the proposal, as deemed advisable in the interest of the Town.

The Town may reject any proposal where there is substantial evidence that the SPC has performed previous Town work in willful contravention of the terms and conditions of the specifications and contract, has delayed such work unnecessarily, and who has by neglect or indifference performed work so as to cause numerous complaints from and annoyance to property owners within the vicinity of such work.

IX. Errors, Interpretations, and Addenda:

It is expressly understood that the Town of New Castle does not guarantee the accuracy of any data provided. Should the SPC find any omissions, discrepancies or errors in the contract documents or should any SPC have doubt to the clarity of meaning of any written language, they should immediately notify the Town of New Castle Engineering Department and request an addendum or an RFI response. Questions regarding these bid specifications may be directed to
X. **Notification of Award:**

A. The Town does not make professional selections based solely upon fee. The expertise and experience of the key personnel to be assigned and that of the SPC on projects of a similar nature, size and complexity will be a significant factor in the final selection. However, fee proposals are considered, especially in comparing otherwise similar proposals.

B. The SPC will be notified within thirty (30) calendar days of receipt of the proposal. All other companies will be notified of the Town’s selection thereafter.

C. In the event that the Town and the SPC cannot come to contract terms, the Town reserves the right to make another selection from the original or subsequent proposals. Proposal prices are to be held for a period of ninety days from the date of the proposal submission.

D. After a contract is awarded to the successful bidder(s) for the work described by this document, a meeting (or teleconference) will be held with the Town Engineer, Town Administrator and Town Attorney to review each and every item of the proposal prior to the commencement of work to resolve any minor items not necessarily affecting the award of the bid.

XI. **Familiarity with bid Documents, Site Conditions, and Governing Law:**

Each bidder is required to be familiar with all of this document’s terms and conditions in addition to understanding all federal, state, and local laws, regulations and ordinances regarding performing the work in accordance to this contract. Each and every provision of law and clause required by law to be part of this Contract shall be deemed to be included herein and this Contract shall be read and enforced as though it were included herein, and if through mere mistake or otherwise any such provision is not included, then upon the application of either party hereto, the Contract shall forthwith be physically amended to make such inclusion. Failure of the bidder to fully familiarize themselves with conditions related to these specifications and to the project location for which the work is to be performed, shall not relieve any bidder from any obligation set forth in this contract. Specific reference is made to the following sections of the Labor Law and General Municipal Law, which apply to the work under this contract.

- General Municipal Law – Section 103-a Grounds for Cancellation of Contract– Refusal to Testify
- General Municipal Law – Section 103-d, re: Non-collusion
- General Municipal Law – Section 106-b, re: Payment on Public Works Projects
- General Municipal Law – Section 107, re: Claims Against Political Subdivisions
- General Municipal Law – Section 108, re: Worker’s Compensation Insurance
XII. **Completion of the Work by Town of New Castle:**

If the work to be done under this contract shall be abandoned by the SPC, or if this contract shall be assigned, or the work sublet by him, other than as herein specified; or if at any time the Town Engineer shall so certify in writing to the Town of New Castle that the SPC is willfully violating any of the conditions or covenants or this contract, or is executing the same in bad faith or not in accordance with the terms thereof; or if the work be not fully completed within the time named in this contract for its completion, or within the time to which the completion of the contract may be extended by the Town of New Castle, the Town of New Castle may notify the SPC, as herein provided; and the SPC shall within seven days of the service of said written notice, discontinue the work, or such part thereof, and the Town of New Castle shall thereupon have the power to contract for the completion of the contract in the manner prescribed by law.

XIII. **Labor:**

The SPC shall comply with the applicable provisions of the “Labor Law” as amended, of the State of New York. This Contract shall be void unless applicable sections of said Labor Law are complied with. Each and every provision of law and clause required by law to be part of this Contract shall be deemed to be included herein and this Contract shall be read and enforced as though it were included herein, and if through mere mistake or otherwise any such provision is not included, then upon the application of either party hereto, the Contract shall forthwith be physically amended to make such inclusion.

Specifically, section 220-E, of the Labor Law, as so amended, prohibits in contracts, discrimination on account of race, creed, color, or national origin in employment of citizens upon public works.

XIV. **Insurance:**

Prior to the commencement of any work, the SPC shall, at its sole expense, maintain the following insurance on its own behalf, and furnish to the Town the certificate of insurance evidencing same and reflecting the effective date of such coverage as follows:

1) **Worker’s Compensation and Employers Liability Policy,** covering operations in the New York State. Policy limits must equal New York State requirements.

2) **Commercial General Liability Policy,** with limits of no less than $1,000,000 each occurrence/ $2,000,000 aggregate limits for personal injury and property damage, and shall not exclude coverage for:

   A. Products/Completed Operations;
B. Independent Contractors;

C. Town of New Castle and their assigns, officers, employees, representatives and agents should be named as an “Additional Insured” on the policy and the Certificate of Insurance should show this applies to the General Liability coverage on the certificate;

D. Each insurance policy shall be written on a primary and non-contributing coverage basis, including any self-insured retentions.

E. To the extent permitted by New York law, the Contractor/Provider waives all rights of subrogation or similar rights against Town of New Castle, assigns, officers, employees, representatives and agents.

F. General Aggregate shall apply separately to each project (must be on an occurrence form).

G. Cross Liability coverage (Commercial General Liability and Business Automobile Liability policies only).

3) **Comprehensive Automobile Liability Policy**, with limits of no less than $1,000,000 for bodily injury and property damage including coverage for owned, non-owned, and hired private passenger and commercial vehicles.

4) **Excess Umbrella Liability**, with limits of no less than $5,000,000, including coverage for General, Automobile and Professional Liability (if applicable).

5) **Professional Liability**, with limits no less than $1,000,000.

6) **Certificates** shall provide that thirty (30) days written notice, by registered certified mail with return receipt requested, prior to cancellation or expiration be given to the Town of New Castle. Policies that lapse and/or expire during the term of work shall be recertified and received by the Town of New Castle no less than thirty (30) days prior to expiration or cancellation.

The SPC shall furnish to Town of New Castle Certificates of Insurance as evidence of coverage prior to commencement of work. The Certificates of Insurance shall name the Town of New Castle as an Additional Insured by endorsement without limiting language.

All required insurance must be in effect and continued so during the life of the Contract and is subject to the approval of the Town’s Insurance Agent as to adequacy, form and correctness. The cost of furnishing the above insurance shall be borne by the SPC, there will be no direct payment for this work. Cost will be deemed to have been included in the price for all scheduled tasks (1 thru 7).

All carriers listed in the certificates of insurance shall be A.M. Best Rated A VII or better and be licensed in the State of New York.
XV. **Indemnification:**

To the fullest extent permitted by law, the selected Consultant shall indemnify, hold harmless and defend the Town of New Castle, and its agents and employees from and against all claims, damages, losses or expenses including but not limited to attorney’s fees arising out of or resulting from the performance of the agreement, provided any such claim, damage, loss or expense (a) is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property, including loss of use resulting therefrom, and (b) is caused in whole or in part by any act or omission or violation of statutory duty or regulation of the selected Consultant or anyone directly or indirectly employed by it or anyone for whose acts it may be liable pursuant to the performance of the agreement. Notwithstanding the foregoing, selected Consultant’s obligation to indemnify the Town of New Castle, and its agents and employees for any judgment, mediation or arbitration award to the extent caused in whole or in part by a) negligent acts or omissions, or (b) violations of regulatory or statutory provisions of the New York State Labor Law, OSHA, or other governing rule or applicable law; by the selected Consultant, anyone directly or indirectly employed by it or anyone for whose acts it may be liable for in connection to such claim, damage, loss and expense. The obligation of the selected Consultant to indemnify any party under this paragraph shall not be limited in any manner by any limitation of the amount of insurance coverage or benefits including worker’s compensation or other employee benefit acts provided by the selected Consultant.

XVI. **Representation of Consultants:**

The undersigned as Consultant hereby declares and warrants:

A. That he is financially solvent and that he is experienced and competent to perform the type of work to be so performed or furnished by him; and

B. That he is familiar with all federal, state, municipal, town and department laws, ordinances and regulations which may in any way affect the work of those employed therein, including, but not limited to any special acts relating to the work or to the project of which it is a part; and

C. That he has carefully examined the specifications and the site of the work, and that from his own investigations, he has satisfied himself as to the nature and location of the work, the character, the character of equipment and other facilities needed for the performance of the work, the general and local conditions, and all other materials which may in any way affect the work or its performance; and

D. That he is not disqualified from submitting a proposal on this contract by reason of the provisions set forth in Chapter 605, Laws of 1959 (Article 5-A, General Municipal Law of the State of New York) which are outlined in the General Conditions of the contract.
If this proposal shall be accepted by the Town of New Castle, and the undersigned Consultant shall fail to contract as aforesaid within ten (10) days from the date of Authorization to Proceed, then the Consultant acknowledges that he shall have abandoned the contract and the Town of New Castle may award the contract to another person or entity who submitted a proposal.

XVII. **General Conditions:**

1. **Suspension of Work**

The Town of New Castle has the power, at any time, to suspend the execution of the work under this contract and at its discretion, to declare the Consultant in default hereunder, either for a neglect or refusal to proceed with the work, or for a violation of any of the covenants, terms, conditions, and provisions of this contract.

2. **Authority of the Town of New Castle**

The Town of New Castle or its authorized representatives shall decide any and all questions which may arise as to the quality of acceptability of work performed and as to the manner of performance and rate of progress of the work, and shall decide all questions which may as to the acceptable completion of the project.

The decision of the Town of New Castle or its authorized representatives concerning the execution of the work shall be final and binding on the Consultant.

3. **Inspection**

The Town of New Castle and authorized representatives thereof shall be given every ability for ascertaining whether or not the work performed is in accordance with the requirements of this contract.

Failure of the Town of New Castle or authorized representatives during the progress of the work to discover or reject work not in accordance with this contract shall not be considered an acceptance thereof or a waiver of defects therein; and payment to the Consultant shall not be construed to be an acceptance of the work which is not strictly in accordance with the contract.

4. **Assignment**

No assignment, transfer, conveyance, subletting or other disposition of all or any part of the proposal, award or contract or of any monies due or to come due there under, will be permitted or allowed without the previous consent in writing of the Town of New Castle.

5. **Compliance with laws**
The Consultant shall conduct the work described herein in compliance with all laws of the State of New York and all ordinances or regulations of the municipality or municipalities within whose boundaries the work is carried out.

XVIII. Special Conditions:

1. **Sales Tax**

   The Town of New Castle is exempt from the payment of New York State Sales Tax.

2. **Conflict of provisions**

   Provisions of the Contract shall supersede provisions of the General and Special Conditions where they are found to be in conflict.

3. **Qualifications of Consultant**

   All work shall be done by a Consultant who has the necessary facilities, a competent organization and special experience in work of a similar type to that specified herein. Each Consultant shall furnish upon request a list of representative clients for whom he has satisfactorily completed work of a similar nature as specified in this Contract.
LOCATION MAP FOR THE PROPOSED DECOMMISSIONING OF UPPER MINKEL DAM

TOWN OF NEW CASTLE

TOWN OF OSSINING

231 CROTON DAM RD
79.20-1-7

99 CROTON DAM RD
81.17-1-3

60 MILLWOOD RD
81.17-1-2

MILLWOOD RD
81.17-1-1

DATE: 3/25/2021

DRAWING NO.: L - 1
LIMITS OF TOPOGRAPHIC & BOUNDARY SURVEY MAP
FOR THE PROPOSED DECOMMISSIONING OF
UPPER MINNEL DAM