

New York City Watershed Program
INFORMATION BULLETIN No. 3
PREPARING THE WWTP OWNER-ENGINEER CONTRACT

The following is intended to assist you in drafting the WWTP Owner-Engineer contract with your NYCDEP-approved Engineer. Please refer to the following documents as you prepare for this process:

- Section 2.05 of the Upgrade Contract, “EFC’s Description of Work”
- Section 4.02 of the Upgrade Contract, “Selection of Engineering Services”
- Section 4.05 of the Upgrade Contract, “Contract Between WWTP Owner and the Contractor”
- Section 14.07 of the Upgrade Contract, “Claims or Action Related to This Agreement”
- Appendix A, Attachment A of the Upgrade Contract, “Request for Proposal”
- Appendix E of the Upgrade Contract, “Insurance”
- Information Bulletin No. 1
- Information Bulletin No. 2

1. In accordance with your Upgrade Contract, **the WWTP Owner-Engineer contract must include:**

- A) NYCDEP-approved Engineer Proposal
- B) The RFP from your Upgrade Contract
 - 1) Section 1 - the Engineer Request for Proposal, including the Project Timetable/Schedule of Work
 - 2) Section 2 - Scope of Engineering Services
 - 3) Section 3 - Standard Technical Specifications
 - 4) Section 4 - Operation and Manual Standards
 - 5) Section 5 - Standard Engineer Contract Clauses, including any NYCDEP approved modification or exceptions
 - 6) Section 6 - Engineering Invoice Format
 - 7) Section 7 - Preliminary Engineering Scope
- C) Upgrade Contract Required Provisions
 - 1) Section 2.05C Advisement
 - 2) Section 4.05 Requirements:
 - a) 4.05 (A)(1)
 - b) 4.05 (A)(2)
 - c) 4.05 (A)(3)
 - d) 4.05 (A)(4)
 - e) 4.05 (A)(5)
 - f) 4.05 (A)(6)
 - g) 4.05 (A)(7)
 - h) 4.05 (A)(8)

- 3) Section 14.07 Requirements:
- a) 14.07 (C)(i)
 - b) 14.07 (C)(ii)
 - c) 14.07 (C)(iii)
 - D) Certification of the Engineer Proposal
 - E) Engineer Project Budget Forms
2. **Certification** - The WWTP Owner and Engineer must sign and submit the attached Certification of the Engineer Proposal, attesting that the proposal being included in the WWTP Owner-Engineer contract is the proposal as approved by NYCDEP and has not been modified or altered in any way.
 3. **Engineer Project Budget Forms** - the WWTP Owner and Engineer must complete the attached Engineer Project Budget Form(s) for the Regulatory Upgrade Program and SPDES Upgrade Program (SPDES Forms are only applicable to certain West of Hudson facilities) and incorporate these form(s) into your proposed WWTP Owner-Engineer Contract.
 4. **VENDEX** - in accordance with Section 4.04 of the Upgrade Contract, the approved Engineer should complete the appropriate City Vendor Information Exchange System (“VENDEX”) questionnaire and submit the questionnaire to the City immediately at the following address: NYCDEP, 59-17 Junction Boulevard, 19th Floor, Corona, New York 11368, Attention: Sandra Salter Jackson. Any questions regarding the VENDEX procedure or requirements should be directed to Sandra Salter Jackson, Esq. at (718) 595-3520. EFC should be copied on the letter transmitting the VENDEX questionnaire. Note that the approved Engineer **must (re)submit** VENDEX information regardless of whether the Engineer has previously submitted VENDEX questionnaire(s) at an earlier point in the Program. The only time an affidavit of no change may be utilized, is when the Engineer has received proposal approval and submitted VENDEX in connection with a proposed engineering contract for another WWTP project in the Upgrade Program or the Engineer is currently VENDEX qualified under another City Contract. **All** VENDEX submittals should be fully executed **originals**.
 5. **Insurance** - The NYCDEP approved Engineer must submit their required insurance documentation as outlined in Appendix E of the Upgrade Contract at the same time the proposed WWTP Owner-Engineer Contract is submitted.

This bulletin is only intended to serve as a reminder regarding the requirements of the Upgrade Contract. It is for reference when preparing your contract with the NYCDEP approved Engineer for your Upgrade Project. You may include any additional terms and/or provisions you deem necessary in your WWTP Owner-Engineer Contract, provided nothing conflicts with the requirements of the Upgrade Contract. Two copies of your proposed contract and/or questions

regarding the WWTP Owner-Engineer Contract process should be directed to EFC at the following address/telephone number(s):

NYS Environmental Facilities Corporation
625 Broadway, 7th Floor
Albany, NY 12207-2997
Att: Lance Crossett, Esq.
Phone: (518) 402-6924 or (800) 882-9721 (within NYS only)
Fax: (518) 402-6972

EFC will review the proposed contract and then forward same to NYCDEP for review and approval. NYCDEP and/or EFC will contact you directly to discuss any deficiencies in the proposed contract. Once NYCDEP has approved the contract, EFC will notify you that you may execute the contract with your engineer. Please note that engineer costs incurred prior to receipt of EFC's notice to execute the contract may not be eligible for reimbursement.

Please note that your proposed contract cannot be reviewed and/or forwarded to NYCDEP unless all of the above information has been included and all necessary attachments have been provided. Additionally, the proposed contract should be reviewed and approved by both you (your attorney) and your engineer before forwarding to EFC.