

Sample Form COSF-2

Request for Certification of Sufficient Funds

Submittal Date: 08.10.18

The Department of the Mayor (OPED) requests certification that sufficient funds are or will be available to cover the claim to meet the following obligation when it becomes due and payable.

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Obligation to be incurred, detailing vendor name, project description, Council approval, etc. (attach supporting documentation):

- Greenman-Pedersen, Inc
- Geysers Road Trail Design Contract
- CCA 08/06/13 orig; Addendum #1 09/05/17; Addendum 2 06/19/17
- GPI request for additional fee to cover the remaining legal, engineering support and coordination to complete the EDPL process (which will allow the project to advance to construction).

Appropriation – Current Budget Expense Org/Object/Proj(s): H3517142-520001200

Amount Requested for Approval: \$ 17,800

Current Amount Available: \$ 17,800

Transfer/Amendment Pending: \$

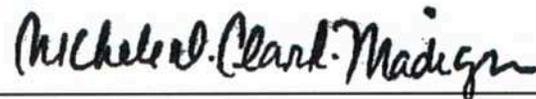
Transfer/Amendment Date: \_\_\_\_\_

 \_\_\_\_\_  
Department Head Signature Date

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Certification of Sufficient Funds

The Commissioner of Finance hereby certifies that funds are or will be available to cover the claim to meet the above described obligation when it becomes due and payable.

 \_\_\_\_\_  
Commissioner of Finance Approval Date

**ADDENDUM THREE TO AGREEMENT BETWEEN THE CITY OF SARATOGA SPRINGS, NY  
and GREENMAN PEDERSEN, INC**  
Original Agreement August 6, 2013

THIS ADDENDUM is made by and between THE CITY OF SARATOGA SPRINGS, NY ("City"), a municipal corporation with a place of business at 474 Broadway, Saratoga Springs, NY 12866 and GREENMAN PEDERSEN, INC., with offices at 80 Wolf Road, Suite 300 Albany, NY 12205 ("Contractor").

WITNESSETH:

The City and the Contractor entered into an agreement approved by the City Council on August 6, 2013 that the Contractor would provide the City preliminary and final design services for the Geysers Road Bicycle-Pedestrian Trail as set forth in Contractor's Proposal dated May 24, 2013 (responsive to the City's RFP 2013-12). Fees under the original contract were established so as not to exceed one Hundred fifty Thousand and 00/100 Dollars (\$150,000.00).

On March 15, 2016 the City Council approved Addendum One to that agreement, for the purposes of exploring modification of the project concept to integrate received public input and increasing the dollar limitation by \$136,796.

On June 19, 2017 the City Council approved Addendum Two to that agreement for the purposes of working on an Eminent Domain Procedure matter, with an increase in dollar costs of Forty Thousand and 00/1000 (\$40,000.00).

This ADDENDUM THREE is supplementation to the original August 6, 2013 agreement. It is incorporated into and made part of those documents. All terms, conditions, and provision of the original August 6, 2013 agreement remain in effect unless specifically modified herein.

For this ADDENDUM THREE, The City and the Contractor agree that the Contractor will provide services as outlined in the August 1, 2018 letter entitled "Geysers Road Trail Design Contract (2013) Addendum #3; GPI project # ALB 2013 058" proposal herein attached as Exhibit A, for an increase in dollar cost of Seventeen Thousand Dollars and 00/100 (\$17,800.00). The Contractor represents that the company providing this services is qualified to perform the type and scope of work to be done.

WHEREFORE, the City and the Contractor have executed this ADDENDUM THREE on the dates indicated:

CONTRACTOR

By: 

Title: Vice President

Date: 8/13/2018

CITY OF SARATOGA SPRINGS

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Per Council Approval: \_\_\_\_\_

## EXHIBIT A

**GPI**

Brad Birge, Administrator of Planning and Economic Development  
 City Hall  
 174 Broadway  
 Saratoga Springs, NY 12866

August 1, 2018

Re: Geyser Road Trail Design Contract (2013) Addendum # 3, GPI project # ALB 2013 058

Dear Mr. Birge:

As you know, GPI has been advancing this 100% City funded design contract that includes ROW incidentals and acquisition services through our Subconsultant, RK Hite. GPI and RK Hite have been providing additional services to help guide and administer the Eminent Domain Procedure Law (EDPL) process to now acquire up to 4 properties for this project. Previously only 3 properties were to be acquired via the EDPL. The additional fee being requested at this time covers the remaining legal, engineering support and coordination expected to complete the EDPL process that will allow the project to advance to construction. The net difference in contract amount is an **increase of \$17,800**.

Scope Item	Geyser Road Design Fee			
	Original Contract Fee	Total Fee Through Supplemental #2	Change for this Supplemental # 3	Total Fee
Scoping	\$ 5,000	\$ 10,000	\$ 0	\$ 10,000
Preliminary Design (Trail)	\$ 58,000	\$ 79,750	\$ 0	\$ 79,500
Final Design (Trail)	\$ 58,000	\$ 58,000	\$ 0	\$ 58,000
ROW Incidentals	\$ 25,000	\$ 21,044	\$ 0	\$ 21,000
ROW Acquisition	\$ 0	\$ 15,385	\$ 0	\$ 15,385
ROW Mapping	\$ 0	\$ 18,000	\$ 0	\$ 18,000
EDPL Engineering Support	\$ 0	\$ 8,000	\$ 4,000	\$ 12,000
EDPL ROW/ Legal (RK Hite)	\$ 0	\$ 53,625	\$ 9,800	\$ 63,425
Grant Writing	\$ 4,000	\$ 4,000	\$ 0	\$ 4,000
Final Design (Intersection)	\$ 0	\$ 50,000	\$ 0	\$ 50,000
Project Coordination	\$ 0	\$ 9,000	\$ 4,000	\$ 13,000
<b>Total</b>	<b>\$ 150,000</b>	<b>\$ 326,804</b>	<b>\$ 17,800</b>	<b>\$ 344,604</b>

Attached is backup documentation from RK Hite and Robert Hite regarding the additional funding request for review, approval and processing. It is our hope that this contract amendment be considered at the next City Council meeting.

If you have any further questions, please do not hesitate to contact me.

Sincerely,  
**GREENMAN-PEDERSEN, INC.**

Peter Faith, P.E.  
 Vice President  
 Attachments



87 Geyser Street  
P.O. Box 130  
Aron, New York 14414  
Tel: (585) 226-6702  
Fax: (585) 226-8067

July 31, 2018

Greenman-Pedersen, Inc.  
80 Wolf Road, Suite 300  
Albany, NY 12205

Attention Peter Faith, P.E.  
Project Manager

Re Request for Supplemental Agreement No. 02  
PIN 1760 11 – Geyser Road Trail  
City of Saratoga Springs, Saratoga Co., NY

Dear Peter,

R K Hite is pleased to submit the following request for a supplemental agreement for the referenced project. Per recent discussions with officials from the City of Saratoga Springs, it has been determined the following addition service will, or may, be needed. These services were not included in the original agreement.

**Scope of Services:**

*5.12 – EDPL Article IV Proceeding*

R K Hite through its legal sub-consultant Hite & Beaumont, P.C., will provide the legal services necessary to acquire the referenced maps pursuant to the New York State Eminent Domain Procedure Law (NYS EDPL). Attached is the proposal from Hite & Beaumont to complete the NYS EDPL Article IV process for these acquisitions.

**Fees:**

The estimated fee to provide the above stated services is \$9,800.00. Attached is a breakdown of the cost.

Thank you for your consideration in this matter. Please call with any questions or comments.

Sincerely,

R K Hite & Co., Inc.

*Richard K Hite, Sr.*  
Richard K Hite, Sr.  
President

Attachments

## HITE & BEAUMONT, P.C.

ATTORNEYS AT LAW  
200 NORTH WOODS AVENUE  
SUITE 200 NEW YORK, NY 10017  
PHONE: 212-279-1100  
FAX: 212-279-1108

July 30, 2018

Richard K. Hite, Sr.  
R K Hite & Co., Inc.  
P O Box 130  
Avon, NY 14414

**VIA ELECTRONIC TRANSMISSION ONLY**

[rkhite@rkhite.com](mailto:rkhite@rkhite.com)

Re: City of Saratoga Springs  
Geyser Road Trail Project

Dear Rich

Per your request, we are writing to provide your firm and the City of Saratoga with a cost estimate for legal services relating to the acquisition of real property interests from one (1) landowner, which acquisition will be accomplished pursuant to Article 4 of the New York Eminent Domain Procedure Law ("EDPL"). This proposal includes an estimate of other necessary expenses that may be incurred in connection with this acquisition. Legal services in these matters would be provided in the capacity of a subcontractor to your firm.

We propose that the legal services in these matters be billed on an hourly fee basis. The hourly rates would be as follows: partner/principal level attorney - \$225; associate attorney - \$150; and paralegal - \$60. These rates are inclusive of ordinary postage, photocopying and telephone calls.

Based upon our professional experience with acquiring title pursuant to EDPL §402(B), a review of documents received in connection with this project and information that we have been provided by your Company, we estimate the approximate cost of the legal services to be provided by this law firm in connection with these acquisitions will be as follows: 1) \$5,625.00 if the proceeding is uncontested, plus 2) an additional \$3,375.00 if the Article 4 proceeding is contested. This estimate assumes that approximately 25 hours of attorney time will be required to obtain and review documents and prepare, submit and file Court papers, prepare and serve required notices and file the acquisition map, and that approximately 15 hours of additional attorney time will be required to perform legal research, prepare and submit responsive pleadings and memoranda of law and attend Court appearances in any contested proceeding. We anticipate that the vast majority of the attorney services will be provided by a partner/principal level attorney.

Richard K. Hite Sr.  
July 30, 2018  
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In the course of acquiring title on behalf of the City, we anticipate that it will be necessary to perform the following tasks at the various stages of the proceeding

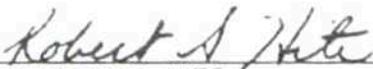
1. Obtain, update and review title documents and certifications, acquisition maps, project appraisals, appraisal reviews, landowner contact information, final design report, if any, relevant resolutions, and published notices.
2. Perform legal research, conduct investigation and correspond with City officials, representatives and agents in order to obtain sufficient information to prepare and file a judicial petition and required notices.
3. Provide legal counsel and advice regarding compliance with acquisition requirements imposed by the Uniform Relocation Assistance and Real Property Acquisition Act and the Eminent Domain Procedure Law, and, if necessary, prepare resolutions and other documents necessary for or to demonstrate compliance.
4. Prepare, execute, serve and file notices, verified petitions, responsive pleadings and memoranda of law.
5. Attend Court appearances and participate in oral argument, if necessary.
6. Prepare and enter a Vesting and Deposit Order, file the acquisition map and arrange for payment or deposit into Court of the just compensation monies.
7. Prepare, serve and file Notices of Acquisition.

In addition to the cost of legal services, we estimate that the City may incur approximately \$800.00 in filing fees and service of process fees.

Please feel free to call or write if there is a need for any clarification or further details regarding this estimate.

Very truly yours,

HITE & BEAUMONT, P.C.

By   
ROBERT S. HITE