



CITY OF MOUNT VERNON, N.Y.
DEPARTMENT of PUBLIC WORKS

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October 9th, 2025

Honorable City Council
The City of Mount Vernon
Mount Vernon, New York
(Through the Office of the Mayor)

Re: Arcadis of New York, Inc., - Sewers Engineering Services - Amendment #4 to Legislation Dated August 7, 2023 - Additional Extension Not to Exceed \$500,000

Dear Honorable Members of City Council,

The Department of Public Works respectfully requests a fourth and final extension of the emergency contract with Arcadis of New York, Inc. ("Arcadis") to ensure uninterrupted compliance with sewer-related engineering services through March 1st, 2026, at an additional total cost of \$500,000. The City is fully prepared to back this contract extension financially, with the ongoing NYS EFC administrative grant titled Funding Agreement – Sewer Investigations and Repairs (EFC Project #2151). There is currently approximately \$1.2 million remaining in this grant —more than enough to support this contract amendment and at no additional costs for the City.

Arcadis has been providing engineering services for the City of Mount Vernon (City), most of which is to comply with the Consent Decree between the City, DEC, Environmental Protection Agency (EPA), and the Department of Justice (DOJ) regarding illicit discharges to the Bronx and Hutchinson Rivers (Case 7:18-cv-05845-CS). These compliance services include Edison Pump Station Design, acting Consent Decree Engineering Expert and Financial Expert, and the Sewer System Evaluation Survey and Illicit Discharge Action Plan implementation.

The current Arcadis agreement, a two-year agreement that began in August 2023, will end December 2025 and is facing a critical funding limit. The remaining amount will be depleted before the end of October 2025, necessitating an immediate resolution to avoid stopping Arcadis's work. A gap in assistance could lead to severe violations of the Consent Decree and subsequent civil and stipulated penalties, which we all are keen to avoid.

In accordance with the City's Procurement Policy and to increase the diversity of the vendor contractors performing sewer work, the City developed a Request for Qualifications (RFQ) for this work and it was advertised Friday August 15, 2025. The City received proposal from 6 firms on the submission closing date September 15, 2025. The City has been reviewing these proposals and anticipates awarding a contract to an engineering firm by October 17, 2025. At that time the City will coordinate with the engineering firm to develop a scope of work and fee. This current timeline includes selecting the

consultant, and signing an agreement, which would overlap in December 2025 FY to ensure continuity and no lapse in services. However, in the interim, Arcadis, as the City's primary engineering consultant and Financial Expert, has been implementing many of the components of the Consent Decree. A gap in assistance could lead to violations of the Consent Decree and civil and stipulated penalties, making the need for immediate action clear. The challenges presented in bringing on a new Engineering consultant and the City's reliance on Arcadis for these crucial services underscore the necessity of a contract extension to maintain continuity in our efforts to resolve our legal compliance issues.

CIVIL PENALTIES FACING THE CITY FOR NON-COMPLIANCE

The civil and stipulated penalties and a reference to the continuous retainage of an Engineering Expert and Financial Expert are as follows:

- **VII. Civil Penalty** – DEC suspended a Civil Penalty of \$100,000 provided the Defendant does not violate any terms of the Consent Decree
- **Paragraph 39 Engineering Expert** – Defendant shall continuously retain a qualified engineering firm to assist Defendant in Meeting its MS4 Obligations and Compliance with the Consent Decree until this Decree's termination date. Arcadis is currently engaged as an Engineering Expert.
- **Paragraph 44 Financial Expert** – Defendant shall retain continuously until the date of termination of the Decree; Defendant shall retain a qualified firm to provide technical advice, assistance, oversight, and organization to assist Defendant in procuring federal state and other funding. Arcadis is currently engaged as the Financial Expert.
- **X. Stipulated Penalties** – The Consent Decree includes penalties for violating compliance deadlines, required actions, and reporting requirements. The penalties are per violation and per day and increase with the period of non-compliance. One group of violations ranges from \$250/day/violation to \$1000/day/violation, and the second group ranges from \$500/day/violation to \$1500/day/violation.

NEW ADDITIONAL REQUIREMENTS UNDER AMENDMENT #4

- Increased and robust MWBE participation in Mount Vernon Sewer remediation work for the amended contract term.
- Workforce Development Opportunities for City Residents and Youth
- Community Engagement – In accordance with Paragraph 37 of the Consent Decree – Public Education and Other Actions. Arcadis will plan and implement an aggressive community engagement plan via Public Relations firms to inform and educate Mount Vernon residents on the details of the Consent Decree and the importance of resolving the issues for the taxpayer. The plan will also inform them of the progress of the City's plan to fix the sewers and invite local businesses and residents, including the City School District, to participate wherever possible.

ARCADIS CONTRACT BACKGROUND AND TIMELINE

The Initial Arcadis Contract

In December 2021, the City of Mount Vernon entered into a \$138,500 Agreement for Professional Engineering Services with Arcadis of New York to bring the city into compliance with its Municipal Separate Storm Sewer System ("MS4") General Permit. The services included the development of an Illicit Discharge Action Plan (IDAP), Outfall Sampling, a Storm Water Sampling Plan (SWMP), a sewer system Evaluation survey (SSES) Plan, a Capacity, Management, Operations, and Maintenance (CMOM)

Program and to remedy issues identified to eliminate sources of pollution from unauthorized discharges to water bodies. The agreement also authorized additional services upon the city's request.

Arcadis Amendment #1

Under the Consent Decree, on December 29, 2022, the city executed a \$400,000 amendment to the above contract totaling \$538,000. This amendment was a strategic decision to enhance our services, including, as needed, Engineering Services, Program Management, contractor-on-call Services, and Grant and Financing Assistance, to better serve the city's stormwater compliance needs.

Arcadis Amendment #2

In response to ongoing compliance and enforcement action by New York State, on September 11, 2023, the city executed a second extension for As Needed Engineering Services, Sewer Inspection and Rehabilitation RFB, Sewer Investigation and Rehabilitation, etc. for an additional \$1M, bringing the total up to \$1,538,500.

Arcadis Amendment #3

The City executed a third amendment on October 15, 2024 As Needed Engineering Services, Sewer Inspection and Rehabilitation RFB, Sewer Investigation and Rehabilitation, etc. for an additional \$1.8M, bringing the total up to \$3,338,000.

The active Arcadis contract expires in December 2025. Still, the remaining contractual remuneration is approximately \$80,000 (as of October 9, 2025), which is anticipated to cover costs through the end of October. Interrupted Consent Decree compliance will carry heavy penalties, fines, and other enforcement actions against the City.

Arcadis Amendment #4

Arcadis will continue to help manage this crisis. Generally, the engineering services will focus on assisting the city with sanitary and stormwater sewer investigations, maintenance, and repairs. It will also include assistance in implementing the lead service line replacement program. The deliverables are as follows:

- Task 1 – Meetings and Correspondences
- Task 2 – Grant and Financing Assistance
- Task 3 – Program Management
- Task 4 –Sewer Investigation Field Services
- Task 5 – Sewer Investigation and Rehabilitation Recommendations
- Task 6 –Phase 2 - Sewer Rehabilitation RFB
- Task 7 – As-Needed Engineering Services

Funding for Arcadis services shall be expended from the ongoing NYS EFC administrative grant titled Funding Agreement – Sewer Investigations and Repairs (EFC Project #2151). There is currently approximately \$1.2 million remaining in this grant.

Respectfully,

A handwritten signature in blue ink, appearing to be 'DLB', with a long horizontal stroke extending to the right.

Damani L. Bush

Commissioner of Public Works

DB/ru

Attachments

Arcadis of New York - Amendment #4 Proposal

USDOJ Consent Decree - September 18, 2023