

12887

TO: Board of Acquisition and Contract
FROM: John J. Hsu, P.E.
Commissioner, Public Works
DATE: July 15, 2010
SUBJECT: Change Order No. 1
Contract No. 07-550
Pool Modernization
Tibbetts Brook Park
Yonkers, New York

Contractor: SISCA Northeast, Inc.
Amount of Change Order No. 1: \$120,023.00

On June 11, 2009, your Honorable Board awarded Contract No. 07-550, Pool Modernization, Tibbetts Brook Park, Yonkers, New York to SISCA Northeast, Inc., c/o Brewster Business Park, 1944 Route 22, Brewster, New York 10509 in the amount of \$8,080,346.00.

After award of this contract, there were several instances where field conditions had changed or conditions existed that could not have been determined at the time of design. These conditions require additional work to complete the specified project, including the installation of flow control valves to provide better control of water flow and filtration rates, and construction of a containment area for the chlorine tank.

In addition, the contract specifications of Contract No. 07-550, included incentive/disincentive work in order to complete construction by June 30, 2010. If the contract was completed prior to the established contract completion date, the County would make an incentive/disincentive payment of \$4,300.00 per day to the contractor (not to exceed 10 days). If the contract was not completed prior to the established contract completion date, the contractor would have to pay the County an incentive/disincentive payment of \$4,300.00 per day past the contract completion date, with no penalty limitations. The contractor completed the contract work on June 23, 2010, and is therefore entitled to receive an incentive/disincentive payment of \$30,100.00.

This Change Order will provide for the extra work required to install flow control valves to provide better control of water flow and filtration rates, construction of a containment area for the chlorine tank and additional funds to pay the contractor the incentive/disincentive payment for completing the project at least 10 days prior to the established completion date noted in the contract.

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SISCA Northeast Inc.
Pool Modernization, Tibbetts Brook Park
Yonkers, New York
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The objective of this contract is to replace the out-dated pool structure with new, up-to-date, water park facilities.

This contract is in the public's best interest because it will promote the health and safety of the general public by providing water park facilities meeting current State and Health Department codes and standards, thus addressing the County Executive's priority area: Health and the Environment (HE). Additionally, it is projected that revenues will increase, thus addressing the County Executive's priority area: Fiscal Responsibility (FR).

The project will provide an environmental benefit by reducing water usage as a result of removing the existing concrete pool structure and failing plumbing systems. Additionally, the installation of state-of-the-art water filtration systems will provide energy savings.

This additional work is incidental to the original work and does not materially alter the main purpose of the contract as to constitute a new undertaking. The work is of the same nature as the initial work, is to be performed in the same general vicinity, is necessary to efficiently complete the project and was unanticipated until work under the contract began. The term of the contract is June 25, 2009 to May 31, 2011.

It is requested that your Honorable Board take action on the following:

Approval of Change Order No. 1

Total Amount of Change Order No. 1.....\$120,023.00

This Change Order has been reviewed by the Law Department and a proposed form of Resolution is attached hereto for your approval.

Approval is recommended.

MC

APPROVED BOARD OF ACQUISITION & CONTRACTS - JOMAR VIEIRA, SECRETARY

RESOLUTION

RE: CONTRACT NO. 07-550
CONTRACT AMOUNT: \$8,080,346.00
CHANGE ORDER NO. 1 \$ 120,023.00
NET INCREASE: \$ 120,023.00
REVISED CONTRACT AMOUNT: \$8,200,369.00

CHANGE ORDER NO. 1

Upon communication from the Commissioner of Public Works,

WHEREAS, John J. Hsu, P.E., Commissioner of Public Works, requests approval of Change Order No. 1 on Contract No. 07-550 between the County of Westchester and SISCAN Northeast, Inc., c/o Brewster Business Park, 1944 Route 22, Brewster, New York 10509 for Pool Modernization, Tibbetts Brook Park, Yonkers, New York, and

WHEREAS, it is requested that Contract No. 07-550 be amended to provide for the extra work required to install flow control valves to provide better control of water flow and filtration rates, construction of a containment area for the chlorine tank, and additional funds to pay the contractor the incentive/disincentive payment, pursuant to Contract No. 07-550, for completing the project at least 10 days prior to the established completion; and

WHEREAS, this matter has been discussed by the Board; now, therefore, be it

RESOLVED, that said Change Order No. 1 on Contract No. 07-550 be and the same is hereby approved in the amount of \$120,023.00; and be it further

RESOLVED, that all other terms and conditions of Contract No. 07-550 shall remain in full force and effect; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized and empowered to execute any and all documents necessary or appropriate to effectuate the purposes hereof.

Total Amount of Change Order No. 1 \$120,023.00

Account to be Charged/Credited

Fund	Dept.	Major Program, Program & Phase or Unit	Object/ Sub Object	Trust Account	Dollars
372	42	RTB0700C	6210-99		\$120,023.00

Budget Funding Year(s) 2010 **Start Date:** June 25, 2009 **End Date:** May 31, 2011
 (must match resolution)

Funding Source: **Tax Dollars** 100% County

Contractor Federal I.D. No./ Social Security No.: 06-1495139

State Aid _____

\$120,023.00 **Federal Aid** _____
 (must match resolution)

Vendor No.: _____

Other _____

Encumbrance No.: _____