



Westchester Community College

State University of New York

30205

To: The Honorable Members of the
Board of Acquisition and Contract

From: Joseph N. Hankin
President, Westchester Community College

Date: November 5, 2012

Re: Emergency Resolution to Enter into an Agreement with Milcon Construction
Corp. for Technology Building Roof Damage due to Hurricane Sandy

As your Honorable Board is well aware, commencing on Monday, October 29, 2012, Westchester County began to suffer from the full force of Hurricane Sandy. Steady rain, combined with extremely high winds, caused many trees to fall at Westchester Community College ("WCC"). One of the trees fell onto the Technology Building, damaging the roofing membrane. After the initial damage, the high winds caused the roofing membrane to continue to pull away from the underlayment, causing damage to an area of over 16000 square feet. The damage included areas of the roofing membrane, skylight curbs, skylights and the building fascia. Without the roofing membrane re-installed, the building will remain open to the elements and subject to further damage. The Technology Building not only houses computer equipment utilized by students but also houses WCC's server farm and all of these assets could be damaged or destroyed if the building was not made weather proof. Additionally, water infiltration can lead to mold generation which would expose both students and employees to unacceptable health risks.

In consultation with the Law Department and based on the facts related by WCC's Department of Physical Plant, it has been determined that this is a condition that was unforeseen, affects the life, health, safety and property of the County's inhabitants and requires immediate attention and therefore meets the legal requirements for an emergency contract. Normally, this procurement would follow the steps set out in the County's Emergency Contract Procedure and quotes would be solicited for the necessary work. As described below, I feel that it is in the best interests of WCC and the County to utilize Milcon Construction Corp. ("Milcon") to effectuate these repairs without soliciting quotes from other vendors.

The roofing membrane system in place on the Technology Building is a proprietary system manufactured by Sika Sarnafil ("Sarnafil"). Milcon, a certified Sarnafil roofing contractor, currently has personnel on campus replacing the roof on the Student Center Building and has performed well on both that contract and on a contract to replace the roof of the Science Building. Because of the widespread damage caused by Hurricane Sandy, the availability of other contractors was in doubt. Faced with the urgency to repair the roof, WCC approached

Milcon and they agreed to promptly commence repairing the roofing system. Utilizing Milcon is advantageous for a number of reasons. First and foremost, since they are already onsite, the work commenced promptly and shall be completed quickly. This is important because the forecast for the immediate future includes another major storm arriving in the area in the next week or so. Also, since Milcon is a certified Sarnafil roofing contractor, the portion of the roofing system that is being newly installed will be covered by a 15 year manufacturer's warranty and that portion of the roofing system that survived that storm and that the new portion will be affixed to, will continue to be covered by the original manufacturer's warranty. Finally, the price quoted by Milcon is reasonable for the amount of time and materials that will be used to repair the roof.

Due to the seriousness of the damage, the impending forecasted storm, and the fact that Milcon is currently providing satisfactory roofing services to WCC and has provided satisfactory roofing services in the past, the most prudent course of action is to have Milcon provide a new roofing system to the Technology Building Roof and to not engage any contractors from the emergency contractors list.

Therefore, it is requested that your Honorable Board authorize the President of Westchester Community College to enter into an agreement with Milcon Construction Corp. to remedy the situation in a timely manner for a total cost not to exceed \$375,000.00.

RESOLUTION

Upon a communication from Joseph N. Hankin, President, Westchester Community College, be it hereby

WHEREAS, an emergency condition developed at the Westchester Community College for the Technology Building Roof Damage due to Hurricane Sandy

RESOLVED, that the Westchester Community College is authorized to enter into a contract for the provision of roof repair services with Milcon Construction Corp. in an amount not to exceed \$375,000.00 payable pursuant to an approved budget; and be it further

RESOLVED, that this Agreement is subject to County appropriations; and be it further

RESOLVED, that this Agreement is also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Contractor, then the Contractor shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further

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

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
615	59	4000 Unit 4002 SubUnit	4280		\$375,000

Budget Funding Year(s) _____ Start Date Nov 2, 2012 End Date Dec 1, 2012
 Funding Source Tax Dollars -0-
 State Aid -0-
\$ 375,000 Federal Aid _____
 (must match resolution) Other 6N Insurance