

**31714**

**TO:** Board of Acquisition and Contract

**FROM:** Thomas J. Lauro, P.E.  
Commissioner of Environmental Facilities

**DATE:** January 16, 2013

**SUBJECT:** Change Order No. 1  
Contract No. **EF-1101**  
Emergency Repair of Leaks  
Westchester County Sewer and Water Districts  
Various locations throughout Westchester County, New York

**Contractor:** ELQ Industries, Inc.

**Amount of Change Order No. 1:** \$1,400,000.00

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On April 28, 2011, your Honorable Board awarded Contract No. EF-1101, for the Emergency Repair of Leaks for Westchester County Sewer and Water Districts at various locations throughout Westchester County, New York to ELQ Industries, Inc., 567 Fifth Avenue, New Rochelle, N.Y. 10801 in the amount of \$1,050,000 for a three year term commencing May 23, 2011.

Following the events of Superstorm Sandy on October 29 & 30, 2012, ELQ Industries, Inc., was called in to provide emergency services at DEF facilities that sustained damages by the storm. The storm surge resulted in river water entering plant facilities and causing extensive damage to the underground infrastructure due to water infiltration and the resulting salt-water affects.

Costs associated with storm will be in excess of the amount allocated in the base contact for emergency on-call services. These unanticipated costs could not have been planned for when setting up the original contract.

This amendment is needed to cover emergency costs associated with storm-related damage, including pumping of floodwaters from underground structures, demolition and removal of storm related debris, clean-up of affected areas throughout the plant facility, temporary electrical work and other tasks associated with restoration of equipment systems.

It is recommended that the contract amount be increased to allow for the repair and restoration work performed by ELQ Industries as a result of Superstorm Sandy. This Change Order No. 1 will cover all storm-related work required to place DEF facilities back in operation.

It is requested that your Honorable Board approve the attached Resolution for Change Order No. 1 in the amount of \$1,400,000 to cover the cost of additional required work, which brings the amended Contract amount to a total of \$2,450,000.

This requested additional work is consistent with 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, and is to be performed in the same vicinity.

The goal and/or objective of this contract is for a prompt response to a sewer system or water system emergencies which requires an immediate repair on a 24/7 basis. The response and repair work are monitored by representatives of the department throughout the emergency to make sure all applicable regulations, safety precautions and codes regarding the protection of persons and property are adhered to and that a cost-effective project is the end product.

This Contract is deemed to fulfill a public purpose as the services provided under this contract protect the building and facilities owned by the Department of Environmental Facilities and enable the Department to carry out its basic mission to provide wastewater treatment and maintaining satisfactory water quality. The term of this contract is for a period of three (3) consecutive years, subject to appropriations. The Operating Budget for contractual services contains the funds required for this service contract.

A proposed form of resolution is attached.

APPROVED BOARD OF ACQUISITION & CONTRACTS  
04/11/2013 - JONATHAN VIERA, SECRETARY

# RESOLUTION

Upon communication from the Commissioner of the Department of Environmental Facilities,

WHEREAS, the Commissioner, Department of Environmental Facilities, requests approval of Change Order No.1 on Contract No. EF-1101, between the County of Westchester and ELQ Industries, Inc. 567 Fifth Avenue, New Rochelle, N.Y. 10801 for the Emergency Repair of Leaks for Westchester County Sewer and Water Districts, at various locations, Westchester County, New York; and

WHEREAS, it is requested that Contract No. EF-1101, be amended due to the expense associated with emergency services related to Superstorm Sandy related clean-up, including pumping of floodwaters from underground structures, temporary electrical work, demolition and removal of storm related debris, clean-up of affected areas throughout the plant facility and other tasks associated with restoration of equipment systems that cannot be handled with County personnel or equipment; and

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

RESOLVED, that said Change Order No.1 on Contract No. EF-1101 be and the same is hereby approved in the amount of \$1,400,000: and be it further

RESOLVED, that all other terms and conditions of Contract No. EF-1101 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.

RE: CONTRACT NO. **EF-1101**

CONTRACT AMOUNT: \$1,050,000

CHANGE ORDER NO. 1 \$1,400,000

REVISED CONTRACT AMOUNT: \$2,450,000

Account to  
be charged/

Fund	Dept	Major Program, Program & Phase or Unit	Object/Sub Object	Trust Account	Dollars
322	60	SY043 01 S	6050		\$1,400,000

**Budget Funding Year (s)** 2012 Start Date: \_N/A\_ End Date \_N/A\_

**Funding Source:**

**Tax dollars** 100% County

**State Aid** \_\_\_\_\_

**Federal Aid** \_\_\_\_\_

**Other** \_\_\_\_\_

**Contractor -**

**Federal I.D. No.** \_\_\_\_\_

\$1,400,000

(Must match resolution)

APPROVED BOARD OF ACQUISITION & CONTRACTS - 02/14/2013 HONORARY VICE SECRETARY