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TO: Board of Acquisition and Contract

FROM: Jay T. Pisco, P.E.
Commissioner of Public Works and Transportation

DATE: November 4, 2013

RE: First Amendment to Short Form Contract No. 13-048
Emergency Chemical Spill Remediation at 100 East First Street
Mount Vernon, New York
Contractor: Tri-State Environmental Services, Inc.
Amount of Amendment No. 1: NTE \$15,522.50

On September 19, 2013 County Executive Robert P. Astorino made a Declaration of Emergency to your Honorable Board of a situation concerning a chemical spill at 100 East First Street, Mount Vernon, New York. Specifically, on August 23, 2013 a leak occurred in the system that treats the water for the building's HVAC system resulting in a chemical spill. The spill, which involved a chemical additive, occurred in the roof top pump room and affected a portion of the occupied 10th floor.

The Department of Public Works and Transportation immediately notified its service contractor for this system who dispatched their safety director and recommended evacuation of the 10th floor. In addition, the Department notified the County Health Department who in turn notified the Mount Vernon Fire Department. Upon inspection of the site, both the Health Department and the Fire Department required that the Department of Public Works and Transportation immediately obtain the services of a chemical remediation company.

The Law Department was consulted and based on the facts related by the Department of Public Works and Transportation, it was determined that this was a condition that was unforeseen, affected life, health, safety and property and required immediate attention which could not await the time it would take to conduct a public bid and therefore met the legal requirements for an emergency contract.

On August 29, 2013, Short Form Contract No. 13-048 was executed between the County of Westchester and Tri-State Environmental Services, Inc. ("Tri-State"), 3 Browns Lane, Hawthorne, New York 10532, for Emergency Chemical Spill Remediation at 100 East First Street, Mount Vernon, New York, in the not-to-exceed amount of \$20,000.00 for a term of August 23, 2013 through September 30, 2013. It was anticipated that remediation would be limited to removal of contaminated ceiling tiles, carpet and painted surfaces and would be below the \$20,000.00 short form contract threshold. On September 9, 2013 the Department of Public Works and Transportation was notified by Tri-State that additional areas of contamination had been discovered, specifically contamination of concealed ductwork and additional building material that could not have been identified until the initial remediation work was completed.

This additional remediation required work above the \$20,000.00 short form contract limit. It was imperative that this emergency remediation work continue in order to reduce the risk to staff, leased tenants and the public who utilize the Mount Vernon District Office Building. The attached Resolution for Amendment No. 1 has been prepared in order to address the above referenced unanticipated additional remediation work.

The objective of this amendment is to reimburse the Contractor for services provided that were greater than the original contract amount.

The cost for the above additional services is for an amount not to exceed \$15,522.50 increasing the maximum total payable under Contract No. 13-048 to an amount not to exceed \$35,522.50.

TOTAL AMOUNT OF AMENDMENT NO. 1: NTE \$15,522.50

This Amendment has been reviewed by the Law Department and a proposed form of Resolution is attached hereto.

Approval is recommended.

APPROVED BOARD OF ACQUISITION & CONTRACTS - 12/05/2013 - JOMAR VEIRA, SECRETARY

