

38496

TO: Board of Acquisition and Contract

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

DATE: February 18, 2014

SUBJECT: Change Order No. 1
Contract No. **12-528**
Rotating Biological Contactors Upgrade - Phase I
Port Chester Wastewater Treatment Plant
Port Chester, New York
Contractor: Yonkers Contracting Company, Inc.
Amount of Change Order No. 1: \$875,000.00

On April 11, 2013, your Honorable Board awarded Contract No. 12-528 for Rotating Biological Contactors Upgrade - Phase I, Port Chester Wastewater Treatment Plant, Port Chester, New York to Yonkers Contracting Company, Inc., 969 Midland Avenue, Yonkers, New York 10704, in the amount of \$2,577,000.00. This contract includes the installation of the Rotating Biological Contactors - Phase I Upgrade requirements for nitrogen removal as required by the Order-On-Consent with the New York State Department of Environmental Conservation (NYSDEC).

After award of this contract, Asbestos Containing Material (ACM) was discovered on parts of the RBC's scheduled to be demolished under this contract. In addition, the concrete tank which holds the RBC's also tested positive for actionable ACM. During design, the RCB was in use, covered and submerged, processing sewage. Based on the original installation period and record drawings for the existing tank and RBC's, the presence of ACM did not seem likely. Testing for ACM at that time would have disrupted plant operations and been time consuming. Completion of design was consent order driven. Now, as per applicable codes, the RBC's must be removed and disposed of under established guidelines for ACM and the coating on the tank walls must be removed by High Pressure Water Blasting and/or Mechanical Chipping in accordance with required ACM procedures. This will allow the new specified RBC's to occupy the existing tank. Only change order work authorized by the County or construction administrator in writing shall be performed by the contractor and will be paid for by the County. Payment to the contractor will be determined in strict accordance with the provisions of Article "Extra Work: Increased Compensation/Decreased Work: Credit to the Owner" of the General Clauses in the contract.

The objective of this Change Order is to make field changes to accomplish the Rotating Biological Contactors - Phase I Upgrade requirements for nitrogen removal as required by the Order-On-Consent with the NYSDEC.

This Change Order is in the public's best interest because it will promote the health and safety of the general public by insuring lower levels of nitrogen introduced into the Long Island Sound and meet New York State Department of Environmental Conservation's latest, more stringent requirements, thus addressing the County Executive's priority area: Health and the Environment (HE).

The department will track scheduling and accomplishments by the contractor and perform on-site inspections to ensure the successful completion of this project.

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 April 25, 2013 to May 24, 2015. An extension is requested to December 31, 2015.

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.....\$875,000.00

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.

LR/

