

**39155**

**TO:** Board of Acquisition and Contract

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

**DATE:** March 20, 2014

**SUBJECT:** Change Order No. 2  
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. 2:** \$30,000.00

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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 \$1,050,000.00 for a three year term commencing May 23, 2011. The Bid specification specified that the County would have the option to extend the contract for one additional three-year period based on the terms and conditions specified in the bid document. However, the Cover Letter and Resolution to Award did not reference the option to extend. An amended Cover Letter and amended Resolution to Award referencing the option to mutually extend the contract was approved Your Honorable Board on June 23, 2011. Due to events of Superstorm Sandy on October 29 & 30, 2012, Change Order No. 1 in the amount of \$1,400,000.00 was approved by Your Honorable Board on February 14, 2013.

Due to the harsh winter conditions, the Grasslands Campus in Westchester County Water District #3 suffered water main breaks that needed repair under the emergency contract in order to maintain and restore water service to the affected facilities on the Campus. The costs of the repairs have caused the maximum amount allowed in the base contract and Change Order No. 1 for emergency on-call services to be exceeded. This amendment is needed to cover costs associated with repairing water main breaks within the Grasslands Campus, restoration of water service to affected buildings within the Campus and restoration of site conditions after completion of the repairs.

It is recommended that the contract amount be increased to add funds to allow payment for the repair and restoration work performed by ELQ Industries at the Grasslands Campus. This Change Order No. 2 will cover all completed work required to place DEF facilities back in operation.

It is requested that your Honorable Board approve the attached Resolution for Change Order No. 2 in the amount of \$30,000.00 to cover the cost of additional required work, which brings the amended Contract amount to a total of \$2,480,000.00.

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 04/17/2014 PRIMARY VIEW 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.2 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 a series of water main breaks that have occurred on the Grasslands Campus within Westchester County Water District #3 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.2 on Contract No. EF-1101 be and the same is hereby approved in the amount of \$30,000.00: 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:	\$1,050,000.00
CHANGE ORDER NO. 1	\$1,400,000.00
<u>CHANGE ORDER NO. 2</u>	<u>\$ 30,000.00</u>
REVISED CONTRACT AMOUNT:	\$2,480,000.00

Account to  
be charged/

Fund	Dept	Major Program, Program & Phase or Unit	Object/Sub Object	Trust Account	Dollars
243	60	5310	4310		\$30,000.00

**Budget Funding Year (s)** 2014 Start Date: \_N/A\_ End Date \_N/A\_

**Funding Source:**

**Tax dollars** 100% County  
**State Aid** \_\_\_\_\_  
**Federal Aid** \_\_\_\_\_  
**Other** \_\_\_\_\_

**Contractor -  
Federal I.D. No.**

\$30,000.00  
(Must match resolution)