

**53565**

**TO:** Board of Acquisition and Contract

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

**DATE:** November 29, 2016

**SUBJECT:** Change Order No. 2  
Contract No. **EF-1101-First Extension**  
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:** \$350,000.00

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A resolution was approved by the Board of Acquisition and Contract on 04/28/2011 that authorized DEF to enter into a contract with ELQ Industries, Inc., for the Emergency Repair of Leaks for Westchester County Sewer and Water Districts at various locations throughout Westchester County. The original Contract duration was three years, Start Date: 5/23/2011, End Date: 5/22/2014 with an option to extend for an additional three year term upon the mutual consent of the parties.

On February 6, 2014, your Honorable Board awarded the First Extension for 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, 2014 and ending May 22, 2017. The county had the Contractor perform repairs in approximately 20 locations during the first two years of the contract and those repairs have caused the maximum amount allowed in Contract EF-1101- First Extension to be exceeded. Several of these repairs were quite large and exceeded \$100,000 in total repair costs. These unanticipated costs and number of repairs could not have been planned for when setting up the original contract. On June 16, 2016, your Honorable Board awarded Change Order No. 1 in the amount of \$350,000 to bring the amended Contract amount total to an NTE of \$1,400,000.00.

Subsequent to executing Change Order No. 1, the County has had to perform eight additional repairs with the cost of a number of the individual repairs approaching and exceeding \$50,000 each. The cost of these repairs has caused the NTE amount of Contract EF-1101- First Extension and Change Order No. 1 to be exceeded.

This amendment is needed to cover future costs for the final period to May 22, 2017 for Contract EF-1101-First Extension associated with the emergency repairs of leaks for Westchester County Sewer

and Water Districts at various locations throughout Westchester County, New York and restoration of site conditions after completion of the emergency repairs, as well as cover the costs already incurred that exceed the original NTE amount of Contract EF-1101- First Extension and Change Order No. 1.

It is recommended that the contract amount be increased to add funds to allow payment for future costs for the final year of Contract EF-1101-First Extension associated with the emergency repairs of leaks for Westchester County Sewer and Water Districts at various locations throughout Westchester County, New York and restoration of site conditions after completion of the emergency repairs.

It is requested that your Honorable Board approve the attached Resolution for Change Order No. 2 in the amount of \$350,000.00 to cover the cost of additional required work, which brings the amended Contract amount to a total of \$1,750,000.00.

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.

# 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-First Extension, 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-First Extension, be amended due to the expenses associated with emergency services related to repairs at additional locations subsequent to the execution of Change Order No. 1 on the Contract; and

WHEREAS, the costs associated with these repairs that cannot be handled with County personnel or equipment have caused the maximum dollar amount allowed in Contract EF-1101- First Extension and Change Order No. 1 to be exceeded; 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-First Extension be and the same is hereby approved in the amount of \$350,000.00: and be it further

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

CONTRACT AMOUNT: \$1,050,000.00  
 CHANGE ORDER NO. 1 \$ 350,000.00  
 CHANGE ORDER NO. 2 \$ 350,000.00  
 REVISED CONTRACT AMOUNT: \$1,750,000.00

Account to  
be charged/

2016

Fund	Dept	Major Program, Program & Phase or Unit	Object/Sub Object	Trust Account	Dollars
101	60	0110	4310		\$350,000

**Budget Funding Year (s)** 2016 Start Date: \_N/A\_ End Date \_N/A\_

**Funding Source:**

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

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

\$350,000.00  
(Must match resolution)

APPROVED BOARD OF ACQUISITION & CONTRACTING - 12/29/2016 - LISA MARIJAS, SECRETARY