

60381

**TO:** Board of Acquisition and Contract

**FROM:** Vincent F. Kopicki, P.E.  
Commissioner of Public Works and Transportation

**DATE:** December 15, 2017

**SUBJECT:** Change Order No. 1  
Contract No. 15-528  
North Boardwalk Reconstruction  
Due to Hurricane Sandy  
Playland Park  
Rye, New York  
**Contractor:** MVM Construction LLC  
**Amount of Change Order No. 1:** \$500,000.00

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On December 22, 2016, your Honorable Board awarded Contract No. 15-528, North Boardwalk Reconstruction due to Hurricane Sandy, Playland Park, Rye, New York to MVM Construction LLC, 100 Oak Street, Mount Vernon, New York 10550 in the amount of \$3,713,000.00.

The work under this contract consists of providing all necessary labor, material and equipment required to reconstruct the North Boardwalk that was severely damaged during Hurricane Sandy including the installation of a new substructure, decking, railings, and all associated work.

After award of this contract and as construction progressed, unexpected field conditions were encountered that could not have been determined at the time of design. The unexpected conditions required additional work to complete the specified project including: installation of additional length of micropiles, installation of a precast wall to support a new railing, and additional work to comply with the New York State Department of Environmental Conservation ("NYSDEC") permit.

While performing the demolition work, the existing concrete slab and wall supporting the existing railing suffered an unanticipated partial collapse. As a result, both the remaining sections of wall and railing have to be removed and replaced with a precast wall to support the new railing. The rock profile derived from the boring data used for design varied considerably from the actual profile encountered in the field. This requires additional length of micropiles to provide for the minimum embedment into rock as required by the Contract. Additional environmental measures are required to comply with the NYSDEC permit.

The cost of this additional work is estimated to be \$500,000.00 and is based upon MVM Construction LLC's unit prices, which were reviewed and approved by the Department. The scope of work for these unexpected field conditions could not have been anticipated at the time of bid, and therefore a Change Order to Contract No. 15-528 is hereby requested.

The objective of this contract is to replace the damaged North Boardwalk and reopen to the public.

This contract is in the public's best interest because it will replace the damaged North Boardwalk for public use.

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 commenced. The term of the contract is January 5, 2017 to April 4, 2019.

It is requested that your Honorable Board take action on the following:

Approval of Change Order No. 1:

<b>Total Amount of Change Order No. 1</b>	<b>\$500,000.00</b>
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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.

VFK/JJN/er

APPROVED BOARD OF ACQUISITION & CONTRACT - 01/25/2018 - PUNJARIJAJ, SECRETARY

# RESOLUTION

**RE: CONTRACT NO. 15-528**  
**CONTRACT AMOUNT: \$ 3,713,000.00**  
**CHANGE ORDER NO. 1: \$ 500,000.00**  
**NET INCREASE: \$ 500,000.00**  
**REVISED CONTRACT AMOUNT: \$ 4,213,000.00**

## CHANGE ORDER NO. 1

Upon communication from the Commissioner of Public Works and Transportation,

**WHEREAS**, Vincent F. Kopicki, P.E., Commissioner of Public Works and Transportation, requests approval of Change Order No. 1 on Contract No. 15-528, between the County of Westchester and MVM Construction LLC, 100 Oak Street, Mount Vernon, New York 10550 for North Boardwalk Reconstruction due to Hurricane Sandy, Playland Park, Rye, New York; and

**WHEREAS**, it is requested that Contract No. 15-528 be amended to provide for the installation of a precast wall to support a new railing, installation of additional length of micropiles and additional work to comply with the New York State Department of Environmental Conservation ("NYSDEC") permit; and

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

**RESOLVED**, that said Change Order No. 1 on Contract No. 15-528 be and the same is hereby approved in the amount of \$500,000.00; and be it further

**RESOLVED**, that all other terms and conditions of Contract No. 15-528 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.

**Total Amount of Change Order No. 1 ..... \$500,000.00**

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Bond Act No.	Dollars
	372	42	RP01001C	6210-99	BA #8-2013	\$500,000.00

**Budget Funding Year(s):** 2017                      **Start Date:** January 5, 2017                      **End Date:** April 4, 2019  
(must match resolution)

**Funding Source:**                      **Tax Dollars** 10% County

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

\$ 500,000.00                      **Federal Aid** 90% Federal

(must match resolution)

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