

70256

TO: Board of Acquisition and Contract

FROM: Vincent F. Kopicki, P.E.
Commissioner of Environmental Facilities

DATE: June 13, 2019

SUBJECT: Change Order No. 1
Contract No. **EF-1701**
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. 1: \$750,000.00

On April 20, 2017, the County of Westchester ("County") awarded Contract No. EF-1701, 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 ("Contractor") in the amount of not to exceed \$1,500,000.00 for a three year term commencing May 23, 2017.

The Contractor was required to perform three repairs that were quite large and well in excess of \$100,000 in total repair costs during the first two years of the contract. In addition, the County has several ongoing large repairs and the total costs incurred to date as well as the estimated costs of these large repairs, will exceed the maximum amount allowed in Contract EF-1701. These unanticipated costs and number of repairs could not have been planned for when setting up the original contract.

This amendment is needed to cover future costs for the final year of Contract EF-1701 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 recommended that the contract amount be increased to add funds to allow payment for future costs for the final year of Contract EF-1701 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. 1 in the amount of \$750,000.00 to cover the cost of additional required work, which brings the amended Contract amount to a total of \$2,250,000.00.

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 07/11/2019 - LISAPALAUJSECRETARY

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.1 on Contract No. EF-1701, 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-1701, be amended due to the expenses associated with emergency services related to three large repairs in the first two years of the contract; and

WHEREAS, the costs associated with these repairs, as well as several ongoing large repairs that cannot be handled with County personnel or equipment, will cause the maximum dollar amount allowed in Contract EF-1701 to be exceeded; and

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

RESOLVED, that said Change Order No.1 on Contract No. EF-1701 be and the same is hereby approved in the amount of \$750,000.00: and be it further

RESOLVED, that all other terms and conditions of Contract No. EF-1701 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-1701**

CONTRACT AMOUNT: \$1,500,000.00

CHANGE ORDER NO. 1 \$ 750,000.00

REVISED CONTRACT AMOUNT: \$2,250,000.00

Account to
be charged/

Fund	Dept	Major Program, Program & Phase or Unit	Object/Sub Object	Trust Account	Dollars
221	60	0110	4310		\$375,000.00 (2019)
221	60	0110	4310		\$375,000.00 (2020)

Budget Funding Year (s) 2019-2020 Start Date: N/A End Date N/A

Funding Source:

Tax dollars 100% County

State Aid _____

Federal Aid _____

Other _____

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

\$750,000.00

(Must match resolution)

APPROVED BOARD OF ACQUISITION & CONTRACT - 01/11/2019 - JAMES MARIJAJ, SECRETARY