

ID77809

TO: Board of Acquisition and Contract

FROM: Kathleen M. O'Connor
Commissioner

DATE: July 7, 2020

SUBJECT: Change Order No. 1
Contract No. PRC-1190
Maintenance Service for Fuel Systems and Related Equipment
Various Parks, Recreation and Conservation Facilities
Westchester County, New York

Contractor: American Petroleum Equipment & Construction Company, Inc.
Amount of Change Order No. 1 \$250,000.00

On December 20, 2018, your Honorable Board awarded Contract No. PRC-1190, Maintenance Service for Fuel Systems and Related Equipment, Various Parks, Recreation and Conservation Facilities, Westchester County, New York to American Petroleum Equipment & Construction Company, Inc. ("American Petroleum"), 63 Orange Avenue, Walden, New York 12586 in the amount of \$287,000.00 for the period of January 1, 2019 through December 31, 2021. The agreement was duly executed.

The work under this agreement consists of providing all necessary labor, material and equipment required to furnish maintenance and repair services for vehicle fueling systems and fuel oil systems at various Department of Parks, Recreation and Conservation ("Parks Department") locations countywide. The agreement also includes the maintenance and repair of all fuel monitoring and dispensing systems.

Additional regulations put in place since the inception of the contract, now require tank fill port spill buckets, tank top sumps and containment sumps be hydrostatically tested on a triennial basis which resulted in unanticipated expenses that could not be budgeted for when this contract was awarded. This has resulted in testing of 81 tank and containment sumps, 117 spill buckets and fill port sumps and 34 fuel dispenser sumps. To date, 10 facilities were found to have failed testing and required containment bucket or sump repairs or replacements at the cost of approximately \$85,000.00. We anticipate future testing of other locations may uncover similar

equipment repairs or replacements will be necessary in order to comply with Westchester County Department of Health, New York State Department of Environmental Conservation and United States Environmental Protection Agency regulations. The contract Miscellaneous Additional Work ("MAW") amount was further decreased by work required for in ground tank failures at five facilities costing approximately \$28,000.00. The Parks Department has 82 underground fuel tanks. At the present time, there are 4 facilities with 6 tanks that have failed and are still in the ground or are out of service and should be removed. We also have an unknown quantity of single wall tanks that are not in compliance and will need to be removed and replaced in the near future.

Authority is now requested of your Honorable Board to amend the contract to increase the total contract MAW amount by \$250,000.00, for a new total contract amount not to exceed \$537,000.00.

The objective of this change order is to ensure that the operation of the fuel systems at the Parks Department facilities are in good working order and in compliance with County, State and Federal regulations.

This change order is in the public's best interest as this work will provide safe and code compliant fuel systems, thus addressing the County Executive's priority area: Safety and Security (SS). There are no energy or environmental components associated with this project.

The Parks Department will track and monitor the progress of the work.

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, and was unanticipated when work under the contract began. The term of the contract is January 1, 2019 to December 31, 2021. Going forward the Parks Department is going to utilize the DPW remediation contract for the removal of failed tanks, as that contract has itemized pricing for such services and will result in better pricing transparency. The Parks Department had modeled this contract on the old DPWT contract, which DPWT changed after the current contract was awarded. After the expiration of this contract, the new Parks Department contract for the services will be revised and updated to include all of the required testing and repairs. The Parks Department is also addressing the tank issues by requesting during all future Capital projects that the underground tanks are removed and aboveground tanks installed whenever possible.

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	\$250,000.00
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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.

RESOLUTION

RE: CONTRACT NO. PRC-1190
CONTRACT AMOUNT: \$ 287,000.00
CHANGE ORDER NO. 1 \$ 250,000.00
NET INCREASE: \$ 250,000.00
REVISED CONTRACT AMOUNT: \$ 537,000.00

CHANGE ORDER NO. 1

WHEREAS, Kathleen M. O'Connor, Commissioner of Parks, Recreation and Conservation, requests approval of Change Order No. 1 on Contract No. PRC-1190, between the County of Westchester and American Petroleum Equipment & Construction Company, Inc., 63 Orange Avenue, Walden, New York 12586 for Maintenance Service for Fuel Systems and Related Equipment, Various Parks, Recreation and Conservation Facilities, Westchester County, New York; and

WHEREAS, it is requested that Contract No. PRC-1190 be amended to provide additional funding for equipment testing and repairs found necessary to be in compliance with County, State and Federal regulations; and

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

RESOLVED, that said Change Order No. 1 on Contract No. PRC-1190 be and the same is hereby approved in the amount of \$250,000.00; and be it further

RESOLVED, that all other terms and conditions of Contract No. PRC-1190 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 \$250,000.00

Original Agreement	\$287,000
First Amendment	\$
This Amendment	<u>\$250,000</u>
TOTAL	\$537,000

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	165	42	2000	4380		\$125,000.00
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Budget Funding Year(s) 2020-2021 Start Date 1/1/2019 End Date 12/31/2021

(must match resolution)

Funding Source Tax Dollars _____ x _____

State Aid _____

\$ 250,000.00 Federal Aid _____

(must match resolution)

Other _____