

**11268**

May 2, 2010

MEMO TO: BOARD OF ACQUISITION AND CONTRACT

FROM: THOMAS J. LAURO, P.E.  
COMMISSIONER

SUBJECT: **CONTRACT NO. EF-0802**  
**CHANGE ORDER NO. 1**  
EMERGENCY REPAIR OF LEAKS  
WESTCHESTER COUNTY SEWER AND WATER DISTRICTS  
VARIOUS LOCATIONS THROUGHOUT  
WESTCHESTER COUNTY, NEW YORK

CONTRACTOR: ELQ Industries Inc.  
567 Fifth Avenue  
New Rochelle, N.Y. 10801

ORIGINAL CONTRACT AMOUNT: NTE	\$750,000.00
CHANGE ORDER NO. 1	<u>\$1,200,000.00</u>
REVISED CONTRACT AMOUNT	\$1,950,000.00

By Memorandum dated December 30, 2009 your Honorable Board was notified of an overflowing manhole on the North Yonkers Trunk Sewer Line. This Department was notified of this overflowing manhole on Sunday, the 27<sup>th</sup> of December, by the Westchester County Health Department. This Department was further notified that this manhole was discharging into an area next to the Village of Hastings Commuter Parking Lot and in close proximity to the Metro North Railroad Station. Upon investigation, it was determined that a sewer manhole on the North Yonkers 48-inch Trunk Sewer Line had been displaced by a landslide and material entered the pipeline blocking the flow. Immediate action was needed to repair the failed manhole and also to remove the blockage of the 48-inch trunk sewer line, in order to prevent any further sewage overflow into the Hudson River and to prevent flooding of the Metro North Railroad.

As your Honorable Board may recall, the Department of Environmental Facilities called ELQ Industries Inc. ("ELQ") to assist with this emergency. The Department has a contract with ELQ Industries Inc. for the emergency repair of leaks for all Water and Sewer District facilities. An

immediate stabilization of the area and repair of the North Yonkers Trunk Sewer was necessary. In the December 30th memorandum, your Honorable Board was advised that once the repair was completed, a Resolution requesting approval of Change Order No. 1 would be presented. The cost for this repair, including the restoration, of the area was \$1,200,000.00. This change order No. 1 is needed since the cost of this repair is greater than the original contract amount. Therefore it represents an amount which could not have been anticipated at the time the scope of the original contract was developed.

These required repairs were unforeseen and could not have been detected under ordinary maintenance. If not repaired the discharge of wastewater would cause loss of property as well as serious health and safety issues. Therefore, the goal of this contract is for a prompt response to a sewer system failure that required immediate repair. The response and repair were monitored by representatives of the department throughout the emergency to make sure all applicable regulations, safety precautions and codes regarding protection of persons and property were adhered to and that a cost effective project was the end project.

The contract for the Emergency Repair of Leaks (EF-0802) was awarded to ELQ Industries Inc. by your Honorable Board on May 15, 2008 to make repairs on an emergency basis according to the terms of the contract. The contract for emergency repair was executed in full conformity with the required bidding and awarding process. The work contemplated for the proposed Change order No. 1 is the same type of work for which Contract EF-0802 was originally bid. As we anticipate a continuing need to make additional emergency repairs over the remaining term of the contract, Change Order No. 1 will represent the total amount of this emergency.

A proposed form of Resolution is attached.

TJL:JKD:jkd

## RESOLUTION

### CONTRACT NO. EF-0802

Upon a communication from the Commissioner of the Department of Environmental Facilities,

**WHEREAS**, Contract No. EF-0802 for the Emergency Repair of Leaks for Westchester County Sewer and Water Districts was awarded by your Honorable Board under a Resolution dated May 15, 2008, and

**WHEREAS**, the required repairs were unforeseen and could not have been detected under ordinary maintenance, and

**WHEREAS**, an immediate repair to the North Yonkers Trunk Sewer Line was required to correct a hazardous condition which could affect the property, health and safety of County residents; now, therefore, be it

**RESOLVED**, that the amount of ONE MILLION TWO HUNDRED THOUSAND DOLLARS (\$1,200,000.00) for emergency repairs to the Trunk Sewer Line in the North Yonkers Sewer District, is hereby approved and authorized, which leaves the Current Contract Amount unchanged, and be it further

**RESOLVED**, that the amount of the contract be amended and increased to a new amount not to exceed \$1,950,000.00, and the funds shall be allocated within the North Yonkers Sewer District as set forth below, and be it further

**RESOLVED**, that all other terms and conditions of Contract No. EF-0802 shall remain in full force and effect, and be it further

**RESOLVED**, that the County Executive or his duly authorized designee, is hereby empowered to execute all instruments and take all reasonable action necessary to effectuate the purposes of this Resolution.

APPROVED BY THE BOARD OF ACQUISITION & CONTRACT - 12/21/2008 - JOMAR VEIRA, SECRETARY

**CONTRACT NO. EF-0802**

ORIGINAL CONTRACT AMOUNT: \$750,000.00

CHANGE ORDER NO. 1 \$1,200,000.00

REVISED CONTRACT AMOUNT \$1,950,000.00

**Account  
to be  
charged/  
Credited**

Fund	Dept	Magor Program, Program & Phase or Unit	Object/Sub Object	Trust Account	Dollars
322	60	SY085	6120		\$1,200,000
		Program TBD			

**Budget Funding Year (s)** 2008-2011 Start Date: 05/23/2008 End Date: 05/22/2011

**Funding Source:**

**Tax dollars** 100%

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

**Federal Aid** \_\_\_\_\_

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

**Contractor -**

**Federal I.D. No.** 76-0385722

\$1,200,000

(Must match resolution)

APPROVED BOARD OF ACQUISITION & CONTRACT - 5-27-2010 - JOMARY VEIRA, SECRETARY