

15751

TO: Board of Acquisition and Contract

FROM: John J. Hsu, P.E.
Commissioner of Public Works

DATE: December 1, 2010

SUBJECT: Change Order No. 1
Contract No. 09-525
Rehabilitation of the Westchester County Archive & Record Center
2199 Saw Mill River Road
Elmsford, New York
Contractor: Piazza, Inc.
Amount of Change Order No. 1: \$109,031.12

On November 5, 2009, your Honorable Board awarded Contract No. 09-525 for Rehabilitation of the Westchester County Archive & Record Center, 2199 Saw Mill River Road, Elmsford, New York (the "Record Center") to Piazza, Inc., 420 Columbus Avenue, Suite 101, Valhalla, New York 10595 in the amount of \$4,155,100.00.

Part of the Record Center rehabilitation project included replacement of roofing materials and roof decking which were covered under a class action lawsuit entitled Sebago Inc. and Flint Village, LLC, et al. v. Beazer East, Inc., et al. (the "Beazer PFRI Class Action Lawsuit"), whereby the Court directed Beazer East, Inc. reimburse the County for repairs to a portion of the Record Center roof and roof decking. Upon completion of the re-roofing and roof deck replacement by the approved vendors, a final settlement of \$109,031.12 was arrived at by the County and Beazer East, Inc. Beazer East, Inc. subsequently rendered payment to the County in the amount of \$109,031.12.

In order for the County to reimburse the approved vendors, previously approved by your Honorable Board as subcontractors for Contract 09-525, the Beazer PFRI Class Action Lawsuit settlement funds in the amount of \$109,031.12 must be applied to the County's contract with Piazza, Inc.

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.....\$109,031.12

Payment for this Change Order has been collected from the Beazer PFRI Class Action Lawsuit, thus there will be no impact on the County tax levy.

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.

JA/

RESOLUTION

RE: CONTRACT NO. 09-525
CONTRACT AMOUNT: \$4,155,100.00
CHANGE ORDER NO. 1 \$ 109,031.12
NET INCREASE: \$ 109,031.12
REVISED CONTRACT AMOUNT: \$4,264,131.12

CHANGE ORDER NO. 1

Upon communication from the Commissioner of Public Works,

WHEREAS, John J. Hsu, P.E., Commissioner, Public Works, requests approval of Change Order No. 1 on Contract No. 09-525, between the County of Westchester (the "County") and Piazza, Inc., 420 Columbus Avenue, Suite 101, Valhalla, New York 10595 for Rehabilitation of the Westchester County Archive & Record Center (the "Record Center"), 2199 Saw Mill River Road, Elmsford, New York; and

WHEREAS, it is requested that Contract No. 09-525 be amended due to the replacement of roofing materials and roof decking of the Record Center which were covered under a class action lawsuit entitled Sebago Inc. and Flint Village, LLC, et al. v. Beazer East, Inc., et al., whereby the Court directed Beazer East, Inc. reimburse the County for repairs to a portion of the Record Center roof and roof decking; and

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

RESOLVED, that said Change Order No. 1 on Contract No. 09-525 be and the same is hereby approved in the amount of \$109,031.12; and be it further

RESOLVED, that all other terms and conditions of Contract No. 09-525 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 \$109,031.12

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	346	46	B008106C	6210-99		\$109,031.12

Budget Funding Year(s) 2010 **Start Date:** November 19, 2009 **End Date:** November 18, 2011
(must match resolution)

Funding Source:	Tax Dollars _____	Contractor Federal I.D. No./
	State Aid _____	Social Security No.: _____
<u>\$109,031.12</u>	Federal Aid _____	Vendor No.: _____
<small>(must match resolution)</small>	Other <u>100% Beazer PFRI Class Action Suit</u>	Encumbrance No.: _____