

20772

TO: Board of Acquisition and Contract

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

DATE: August 3, 2011

SUBJECT: Change Order No. 1
Contract No. 09-528
Roof Replacement
85 Court Street
White Plains, New York
Contractor: Best Roofing of NJ, Inc.
Amount of Change Order No. 1: \$69,261.74

On October 14, 2010, your Honorable Board awarded Contract No. 09-528 for Roof Replacement, 85 Court Street, White Plains, New York ("85 Court Street") to Best Roofing of NJ, Inc., 30 Midland Avenue, Wallington, New Jersey 07057 in the amount of \$538,800.00.

Part of the 85 Court Street roof replacement 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. to reimburse the County for repairs to a portion of the 85 Court Street roof and roof decking. Upon completion of the re-roofing and roof deck replacement by the approved vendors, a final settlement of \$29,261.74 was arrived at by the County and Beazer East, Inc. Beazer East, Inc. subsequently rendered payment to the County in the amount of \$29,261.74.

In order for the County to reimburse the approved vendors, previously approved by your Honorable Board as subcontractors for Contract 09-528, the Beazer PFRI Class Action Lawsuit settlement funds in the amount of \$29,261.74 must be applied to the County's contract with Best Roofing of NJ, Inc.

Additionally, after award of this contract, there were several instances where field conditions existed that could not have been determined at the time of design. These conditions require additional work to complete the specified project.

During the construction phase it was found that the exterior of 85 Court Street's concrete roof railing system had extensive deterioration including spalled concrete along with exposed and rusted steel reinforcing bars. This damage was identified after scaffolding was installed as part of the roof replacement project.

Once inspections were completed it was determined that additional work would be required including selective replacement of rusted steel reinforcing bars, removal of all spalled concrete along with the patching and coating of all damaged areas of the railing system's concrete beams.

The objective of this Change Order is to repair the 85 Court Street concrete roof railing system.

This Change Order is in the public's best interest because it will promote the health and safety of the general public by ensuring that the structural stability of 85 Court Street is maintained by restoring the integrity of the concrete roof railing system, thus addressing the County Executive's priority areas: Safety and Security (SS). There are no energy or environmental components in this project.

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 began. The term of the contract is October 21, 2010 to December 22, 2011.

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

Approval of Change Order No. 1:

Application of the Beazer PFRI Class Action Lawsuit Funds	\$29,261.74
Repairs to the concrete roof railing and cap beams	\$40,000.00
Total Amount of Change Order No. 1	\$69,261.74

A portion of the 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. 09-528
CONTRACT AMOUNT: \$ 538,800.00
CHANGE ORDER NO. 1 \$ 69,261.74
NET INCREASE: \$ 69,261.74
REVISED CONTRACT AMOUNT: \$ 608,061.74

CHANGE ORDER NO. 1

Upon communication from the Commissioner of Public Works and Transportation,

WHEREAS, John J. Hsu, P.E., Commissioner, Public Works, requests approval of Change Order No. 1 on Contract No. 09-528, between the County of Westchester (the "County") and Best Roofing of NJ, Inc., 30 Midland Avenue, Wallington, New Jersey 07057 for Roof Replacement, 85 Court Street, White Plains, New York; and

WHEREAS, it is requested that Contract No. 09-528 be amended due to the replacement of roofing materials and roof decking of 85 Court Street 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. to reimburse the County for repairs to a portion of the 85 Court Street roof and roof decking; and

WHEREAS, it is requested that Contract No. 09-528 be amended to repair damaged areas of 85 Court Street's concrete roof railing system; and

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

RESOLVED, that said Change Order No. 1 on Contract No. 09-528 be and the same is hereby approved in the amount of \$69,261.74; and be it further

RESOLVED, that all other terms and conditions of Contract No. 09-528 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 \$69,261.74

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	346	46	B042A02C	6210-99		\$69,261.74

Budget Funding Year(s) 2011 **Start Date:** October 21, 2010 **End Date:** December 22, 2011
(must match resolution)

Funding Source: **Tax Dollars** 58% County

Contractor Federal I.D. No./
Social Security No.: _____

State Aid _____

\$69,261.74
(must match resolution)

Federal Aid _____

Vendor No.: _____

Other 42% Beazer PFRI Class Action Suit

Encumbrance No.: _____