

22261

TO: Board of Acquisition and Contract

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

DATE: October 12, 2011

SUBJECT: Change Order No. 1
Contract No. 10-567
Pool Modernization – Phase II
Tibbetts Brook Park
Yonkers, New York

Contractor: DiMarino Brothers Contracting, Inc.
Amount of Change Order No. 1: \$53,717.00

On February 3, 2011, your Honorable Board awarded Contract No. 10-567 for Pool Modernization – Phase II, Tibbetts Brook Park, Yonkers, New York to DiMarino Brothers Contracting, Inc., 149 South MacQuesten Parkway, Mount Vernon, New York 10550 in the amount of \$619,000.00.

After award of this contract and start of construction, there were code revisions required by the Westchester County Department of Health and New York State Department of Labor that could not have been determined at the time of design. These revisions required additional work to complete the specified project. Modifications were required to the surge tank, metering and filtration systems of the existing pool to meet New York State Department of Labor and Westchester County Department of Health code requirements. All work included in this Change Order is to address these unexpected code revisions. It was deemed to be fair and reasonable based on material costs and current prevailing wage rates.

This Change Order is in the public's best interest because it will promote the health and safety of the general public by providing water park facilities meeting current State and Health Department codes and standards, thus addressing the County Executive's priority area: Health and the Environment (HE).

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 February 17, 2011 to June 10, 2012.

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.....\$53,717.00

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.

APPROVED BOARD OF ACQUISITION & CONTRACT - 11/05/2011 JOMARY VIEIRA, SECRETARY

RESOLUTION

RE: **CONTRACT NO. 10-567**
CONTRACT AMOUNT: \$619,000.00
CHANGE ORDER NO. 1: \$ 53,717.00
NET INCREASE: \$ 53,717.00
REVISED CONTRACT AMOUNT: \$672,717.00

CHANGE ORDER NO. 1

Upon communication from the Commissioner of Public Works and Transportation,

WHEREAS, John J. Hsu, P.E., Commissioner, Public Works and Transportation, requests approval of Change Order No. 1 on Contract No. 10-567, between the County of Westchester and DiMarino Brothers Contracting, Inc., 149 South MacQuesten Parkway, Mount Vernon, New York 10550 for Pool Modernization – Phase II, Tibbetts Brook Park, Yonkers, New York; and

WHEREAS, it is requested that Contract No. 10-567 be amended to make modifications to the surge tank, metering and filtration systems of the existing pool to meet code requirements; and

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

RESOLVED, that said Change Order No. 1 on Contract No. 10-567 be and the same is hereby approved in the amount of \$53,717.00; and be it further

RESOLVED, that all other terms and conditions of Contract No. 10-567 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 \$53,717.00

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	372	42	RTB0601C	6210-99		\$53,717.00

Budget Funding Year(s) 2011 **Start Date:** February 17, 2011 **End Date:** June 10, 2012
(must match resolution)

Funding Source: **Tax Dollars** 100% County **Contractor Federal I.D. No./**
State Aid _____ **Social Security No.:** _____

Federal Aid _____ **Vendor No.:** _____

Other _____ **Encumbrance No.:** _____

\$53,717.00
(must match resolution)