

23340

TO: Board of Acquisition and Contract

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

DATE: November 30, 2011

SUBJECT: Change Order No. 1
Contract No. **09-505**
Playland Bathhouse Restoration
Playland Park
Rye, New York

Surety: Westchester Fire Insurance Company
Amount of Change Order No. 1: \$600,956.00

On November 5, 2009, your Honorable Board awarded Contract No. 09-505 for Playland Bathhouse Restoration, Playland Park, Rye, New York to Ortega Group LLC, 17 South MacQuesten Parkway, Mount Vernon, New York 10550 (the "Original Contractor") in the amount of \$6,171,000.00. On June 9, 2011, your Honorable Board declared Ortega Group LLC in default and authorized a Takeover Agreement with the Surety, Westchester Fire Insurance Company, 140 Broadway, New York, New York 10036.

During the ongoing construction phases of this project, it was found that there were multiple 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. Specific conditions include:

Excavation work required additional rock removal, hand excavation, increased disposal quantities, removal of damaged sewer piping along with the disposal of contaminated soil. These conditions occurred beneath the existing building concrete foundations and floor slabs and were not exposed until project excavation had commenced.

Selective demolition work required additional environmental abatement of lead and asbestos along with the removal of additional rotted structural wood framing members, wood canopy brackets and roof decking. These additional conditions were exposed as removal of adjoining building components, included in the base contract, occurred.

New construction work included installation of new sewer piping, additional structural framing, exterior canopy brackets and roof decking. This additional work is required due to the expanded scope of building component removals.

This Change Order reflects and authorizes all additional work identified to date required to complete the specified project.

The objective of this Change Order is to facilitate the completion of the Playland Bathhouse Restoration project.

This Change Order is in the public's best interest because it will promote the health and safety of the general public by ensuring the structural integrity and weather tightness of the building, thus addressing the County Executive's priority area: Safety and Security (SS).

This project provides environmental benefits by removing existing lead paint, asbestos and contaminated soil from the Playland Bathhouse, preventing the possibility of future contamination.

The department will track scheduling and accomplishments by the Surety 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.

Due to the default of the Original Contractor, the subsequent Takeover Agreement and the additional work required by this Change Order, the end date of this contract is to be extended from August 18, 2011 to September 30, 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.....\$600,956.00

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 11-29-2011 - OMAR VIEIRA, SECRETARY

RESOLUTION

RE: CONTRACT NO. 09-505
CONTRACT AMOUNT: \$ 6,171,000.00
CHANGE ORDER NO. 1 \$ 600,956.00
NET INCREASE: \$ 600,956.00
REVISED CONTRACT AMOUNT: \$ 6,771,956.00

CHANGE ORDER NO. 1

Upon communication from the Commissioner of Public Works and Transportation,

WHEREAS, John J. Hsu, P.E., Commissioner of Public Works and Transportation, requests approval of Change Order No. 1 on Contract No. 09-505, between the County of Westchester and Westchester Fire Insurance Company, 140 Broadway, New York, New York, 10036 for Playland Bathhouse Restoration, Playland Park, Rye, New York; and

WHEREAS, it is requested that Contract No. 09-505 be amended to provide for additional excavation, demolition and replacement of additional structural framing components and sewer piping; and

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

RESOLVED, that said Change Order No. 1 on Contract No. 09-505 be and the same is hereby approved in the amount of \$600,956.00; and be it further

RESOLVED, that all other terms and conditions of Contract No. 09-505 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 \$600,956.00

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	372	42	RP23C03C	6210-99		\$600,956.00

Budget Funding Year(s) 2011 **Start Date:** November 19, 2009 **End Date:** September 30, 2012
(must match resolution)

Funding Source:	Tax Dollars <u>100% County</u>	Contractor Federal I.D. No./
	State Aid _____	Social Security No.: _____
<u>\$600,956.00</u>	Federal Aid _____	Vendor No.: _____
<small>(must match resolution)</small>	Other _____	Encumbrance No.: _____