

26349

TO: Board of Acquisition and Contract

FROM: Jay T. Pisco, P.E.
Commissioner of Public Works and Transportation

DATE: April 13, 2012

SUBJECT: Change Order No. 1
Contract No. 09-544
Final Closure
Sprout Brook Residue Disposal Facility
Cortlandt Manor, New York
Contractor: Bilotta Construction Corp.
Amount of Change Order No. 1: \$180,000.00

On October 28, 2010, your Honorable Board awarded Contract No. 09-544 for Final Closure, Sprout Brook Residue Disposal Facility, Cortlandt Manor, New York to Bilotta Construction Corp., 296 Purchase Street, Rye, New York 10580 in the amount of \$5,781,302.10.

After design completion, it was discovered that the existing base liner geomembrane and interim geomembrane cover were damaged in various locations during normal operation of the landfill. Since landfill operations over the past years led to material placement overtop, the damaged geomembranes were not visible during the pre-design site inspection. Therefore, the design drawings could not include information about the damage. This damage must be repaired before the final cover can be properly installed.

During the construction phase, several unmarked underground utilities were discovered which require relocation due to a conflict with new drainage features to be installed as part of the final closure. Existing underground communication and electrical concrete ductbanks along the western perimeter road, which had been buried under several feet of fill, were uncovered during installation of drainage pipes and construction of the perimeter swale. Both concrete ductbanks have to be lowered in elevation to allow for the necessary drainage feature construction.

The objective of this Change Order is to make field changes to complete the final closure of the Residue Disposal Facility.

This Change Order is in the public's best interest because it will promote the health and safety of the general public by insuring final and complete closure of this facility to meet New York State Department of Environmental Conservation requirements, 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 November 11, 2010 to January 10, 2013. An extension is requested to June 30, 2013.

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.....\$180,000.00

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 & CONTRACTS - 05/10/2012 - JOMAR VERA SECRETARY

RESOLUTION

RE: CONTRACT NO. 09-544
CONTRACT AMOUNT: \$5,781,302.10
CHANGE ORDER NO. 1: \$ 180,000.00
NET INCREASE: \$ 180,000.00
REVISED CONTRACT AMOUNT: \$5,961,302.10

CHANGE ORDER NO. 1

Upon communication from the Commissioner of Public Works and Transportation,

WHEREAS, Jay T. Pisco, P.E., Commissioner of Public Works and Transportation, requests approval of Change Order No. 1 on Contract No. 09-544, between the County of Westchester and Bilotta Construction Corp., 296 Purchase Street, Rye, New York 10580 for Final Closure, Sprout Brook Residue Disposal Facility, Cortlandt Manor, New York; and

WHEREAS, it is requested that Contract No. 09-544 be amended to make field changes to complete the final closure of this facility to meet New York State Department of Environmental Conservation 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. 09-544 be and the same is hereby approved in the amount of \$180,000.00; and be it further

RESOLVED, that the completion date of this contract is hereby extended to June 30, 2013; and be it further

RESOLVED, that all other terms and conditions of Contract No. 09-544 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 \$180,000.00

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	325	60	RD00403C	6210-99		\$180,000.00

Budget Funding Year(s) 2012 **Start Date:** November 11, 2010 **End Date:** June 30, 2013
 (must match resolution)

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

\$180,000.00 **Federal Aid** _____ **Vendor No.:** _____
 (must match resolution) **Other** _____ **Encumbrance No.:** _____