

27155

TO: Board of Acquisition and Contract

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

DATE: May 25, 2012

SUBJECT: Change Order No. 1
Contract No. **06-541**
Performance Maintenance III
Blind Brook Wastewater Treatment Plant
Rye, New York
Contractor: Arben Group LLC
Amount of Change Order No. 1: \$700,000.00

On November 5, 2009, your Honorable Board awarded Contract No. 06-541 for Performance Maintenance III, Blind Brook Wastewater Treatment Plant, Rye, New York to Arben Group LLC, 175 Marble Avenue, Pleasantville, New York 10570 in the amount of \$5,254,000.00, for the term November 19, 2009 to January 31, 2012. On March 22, 2012, your Honorable Board approved a Resolution to amend the November 5, 2009 Resolution budget box end date to December 31, 2013.

After award of this contract, there was an instance 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, subsurface oil contaminated soil was encountered during the excavation for the new influent structure. The presence of contaminated soil requires additional excavation effort including filtering of groundwater, set up and maintenance of a containment area and special handling and disposal of the contaminated material to an approved landfill. In anticipation that contaminated soil will be encountered as work progresses, the \$700,000.00 increase is an adjustment to the Miscellaneous Additional Work (MAW) amount, to allow for these unforeseen situations, as future excavations warrant. Extra work will be paid on a time and materials basis as documented and approved by the engineer. The money will be released only if necessary for the additional work. This additional work is required to complete the construction of a new influent structure.

The objective of this Change Order is to remove contaminated soil to construct a new influent structure for the Blind Brook Wastewater Treatment Plant which will allow continuous and reliable processing of wastewater.

This Change Order is in the public's best interest because it will promote the health and safety of the general public by ensuring continued uninterrupted operation of the plant's wastewater treatment systems and enable the Department of Environmental Facilities to carry out its basic mission to provide wastewater treatment and maintain satisfactory water quality, thus addressing the County Executive's priority area: Health and the Environment (HE).

This Change Order will provide an environmental benefit by removing contaminated soil.

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 19, 2009 to December 31, 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.....\$700,000.00

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.

LR/

APPROVED BOARD OF ACQUISITION & CONTRACT - 07/19/12 - JOMARY VEIRA, SECRETARY

RESOLUTION

RE: CONTRACT NO. 06-541
CONTRACT AMOUNT: \$5,254,000.00
CHANGE ORDER NO. 1: \$ 700,000.00
NET INCREASE: \$ 700,000.00
REVISED CONTRACT AMOUNT: \$5,954,000.00

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. 06-541, between the County of Westchester and Arben Group LLC, 175 Marble Avenue, Pleasantville, New York 10570 for Performance Maintenance III, Blind Brook Wastewater Treatment Plant, Rye, New York; and

WHEREAS, it is requested that Contract No. 06-541 be amended to remove contaminated soil to construct a new influent structure for the Blind Brook Wastewater Treatment Plant which will allow continuous and reliable processing of wastewater; and

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

RESOLVED, that said Change Order No. 1 on Contract No. 06-541 be and the same is hereby approved in the amount of \$700,000.00; and be it further

RESOLVED, that all other terms and conditions of Contract No. 06-541 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 \$700,000.00

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	322	60	SBB0600C	6210-99		\$700,000.00

Budget Funding Year(s) 2012 **Start Date:** November 19, 2009 **End Date:** December 31, 2013
(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.:** _____
\$700,000.00
(must match resolution)