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**TO:** Board of Acquisition and Contract

**FROM:** Vincent F. Kopicki, P.E.  
Commissioner of Public Works and Transportation

**DATE:** May 16, 2017

**SUBJECT:** Credit Change Order No. 2  
Contract No. 06-541  
Performance Maintenance III  
Blind Brook Wastewater Treatment Plant  
Rye, New York

**Contractor:** Arben Group LLC  
**Amount of Credit Change Order No. 2:** (\$250,000.00)

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, 75 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 21, 2013.

Change Order No. 1 in the amount of \$700,000.00 to address field conditions that could not have been determined at the time of design was approved by your Honorable Board on July 19, 2012.

On February 6, 2014, your Honorable Board approved a Resolution to amend the November 5, 2009 Resolution budget box end date to December 31, 2015.

In addition to the unforeseen field conditions in Change Order No. 1, subsequent to the award of this contract, it was determined that the field conditions caused a major scope change and it was determined that it is in the best interest of the County to solicit competitive bids resulting in the need for a Credit Change Order. Therefore, this work was eliminated from the project.

The objective of this Credit Change Order is to recover funds for work that was determined not to be done after contract award.

This Credit 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).

The department will track scheduling and accomplishments by the contractor and perform on-site inspections to ensure the successful completion of this project.

This Credit Change Order is incidental to the original work and does not materially alter the main purpose of the contract as to constitute a new undertaking. This Credit Change Order 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, 2015. An extension is requested to December 31, 2018.

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

Approval of Credit Change Order No. 2

**Total Amount of Credit Change Order No. 2.....(\$250,000.00)**

This Credit 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

# RESOLUTION

**RE: CONTRACT NO. 06-541**  
**CONTRACT AMOUNT: \$5,254,000.00**  
**CHANGE ORDER NO. 1 \$ 700,000.00**  
**CREDIT CHANGE ORDER NO. 2 (\$ 250,000.00)**  
**NET INCREASE: \$ 450,000.00**  
**REVISED CONTRACT AMOUNT: \$5,704,000.00**

## CREDIT CHANGE ORDER NO. 2

Upon communication from the Commissioner of Public Works and Transportation,

**WHEREAS**, Vincent F. Kopicki, P.E., Commissioner, Public Works and Transportation, requests approval of Credit Change Order No. 2 on Contract No. 06-541, between the County of Westchester and Arben Group LLC, 75 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 due to elimination of additional work; and

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

**RESOLVED**, that said Credit Change Order No. 2 on Contract No. 06-541 be and the same is hereby approved in the amount of (\$250,000.00); 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 Credit Change Order No. 2 ..... (\$250,000.00)**

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Bond Act No.	Dollars
	322	60	SBB0600C	6210-99	BA #47-2015	(\$250,000.00)

**Budget Funding Year(s):** 2017     **Start Date:** November 19, 2009     **End Date:** December 31, 2018  
(must match resolution)

**Funding Source:**     **Tax Dollars** 100% County

**Contractor Federal I.D. No./**  
**Social Security No.:** \_\_\_\_\_

**State Aid** \_\_\_\_\_

(\$250,000.00)  
(must match resolution)

**Federal Aid** \_\_\_\_\_

**Vendor No.:** \_\_\_\_\_

**Other** \_\_\_\_\_

**Encumbrance No.:** \_\_\_\_\_