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**TO:** Board of Acquisition and Contract

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

**DATE:** August 24, 2017

**SUBJECT:** Change Order No. 1  
Contract No. **07-549-Rev.**  
Pool Modernization  
Sprain Ridge Park  
Yonkers, New York

**Contractor:** ELQ Industries, Inc.  
**Amount of Change Order No. 1:** \$773,500.00

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On November 10, 2016, your Honorable Board awarded Contract No. 07-549-Rev., Pool Modernization, Sprain Ridge Park, Yonkers, New York to ELQ Industries, Inc., 567 Fifth Avenue, New Rochelle, New York 10801 in the amount of \$7,771,000.00.

The work under this contract consists of providing all necessary labor, material and equipment required for the replacement of the Activity Pool, construction of a children's sprayground, and improvements to the bathhouse.

After award of this contract and as construction progressed, existing field conditions were encountered that could not have been determined at the time of design. The unexpected conditions required additional work to complete the specified project including: removal of piping with Asbestos Containing Material (ACM), additional rock removal, additional carpentry (siding, structural supports) and complete replacement of the bathhouse roof due to severe deterioration beyond repair, as well as additional work to comply with Westchester County and New York State Department of Health Requirements.

The cost of this additional work is estimated to be \$773,500.00 and is based upon ELQ Industries, Inc. unit prices, which were reviewed and approved by the Department. The scope of work for these unexpected field conditions could not have been anticipated at the time of bid, and therefore a Change Order to Contract No. 07-549-Rev. is hereby requested.

The objective of this contract is to replace and upgrade the existing pool facilities so that they can be reopened for public use.

This contract is in the public's best interest because it will provide water park facilities meeting current County and State Health Department Codes and Standards. The project will provide energy savings by the use of state-of-the-art water filtration systems.

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 commenced. The term of the contract is November 14, 2016 to December 31, 2018.

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

Approval of Change Order No. 1:

<b>Total Amount of Change Order No. 1</b>	<b>\$773,500.00</b>
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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 - 08/29/2017 - LISA M. H. SECRETARY

# RESOLUTION

**RE: CONTRACT NO. 07-549-Rev.**  
**CONTRACT AMOUNT:** \$ 7,771,000.00  
**CHANGE ORDER NO. 1:** \$ 773,500.00  
**NET INCREASE:** \$ 773,500.00  
**REVISED CONTRACT AMOUNT:** \$ 8,544,500.00

## CHANGE ORDER NO. 1

Upon communication from the Commissioner of Public Works and Transportation,

**WHEREAS**, Vincent F. Kopicki, P.E., Commissioner of Public Works and Transportation, requests approval of Change Order No. 1 on Contract No. 07-549-Rev., between the County of Westchester and ELQ Industries, Inc., 567 Fifth Avenue, New Rochelle, New York 10801 for Pool Modernization, Sprain Ridge Park, Yonkers, New York; and

**WHEREAS**, it is requested that Contract No. 07-549-Rev. be amended to provide for the removal of piping with Asbestos Containing Material (ACM), additional rock removal, additional carpentry (siding and structural supports) and replacement of the bathhouse roof due to severe deterioration beyond repair, as well as additional work to comply with Westchester County and State Department of Health 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. 07-549-Rev. be and the same is hereby approved in the amount of \$773,500.00; and be it further

**RESOLVED**, that all other terms and conditions of Contract No. 07-549-Rev. 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 ..... \$773,500.00**

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Bond Act No.	Dollars
	372	42	RSP0202C	6210-99	BA #158-2017	\$773,500.00

**Budget Funding Year(s)** 2017      **Start Date:** November 14, 2016      **End Date:** December 31, 2018  
 (must match resolution)

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

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

\$ 773,500.00      **Federal Aid** \_\_\_\_\_  
 (must match resolution)

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