

68940

TO: Board of Acquisition and Contract

FROM: Vincent F. Kopicki, P.E.
Commissioner of Environmental Facilities

DATE: April 3, 2019

SUBJECT: Change Order No. 3
Contract No. **EF-1311 First Extension**
Maintenance Service for Fuel Systems and Related Equipment
of the Department of Environmental Facilities
Various County Locations, Westchester County, New York

Contractor: **American Petroleum Equipment &
Construction Company Incorporated**

Amount of Change Order No. 3: \$40,000.00

On October 30, 2014, your Honorable Board awarded Contract No. EF-1311, that authorized the County of Westchester ("County"), acting by and through its Department of Environmental Facilities ("Department"), to enter into a contract with American Petroleum Equipment & Construction Company Incorporated ("Contractor") for the Maintenance Service for Fuel Systems and Related Equipment for various County locations of the Department. The original contract duration was for three years, commencing 11/03/14 and ending on 11/02/17, with an option to extend the contract by mutual consent of the Contractor and the County for an additional two-year term with all prices, terms and conditions remaining the same as the original contract. The work of this contract includes the furnishing on-call repair and maintenance service work on underground and aboveground fuel storage tanks, monitoring systems, bulk storage tanks, fuel management systems, fuel dispensing equipment, and other related equipment.

The original contract amount was \$28,900, which consisted of hourly labor rates (normal hourly and premium hourly), materials, equipment and OEM parts costs, portal-to-portal travel costs and a miscellaneous additional work allowance.

On November 12, 2015, your Honorable Board awarded Change Order No. 1 in the amount of \$20,000 to bring the not to exceed amount of the contract to \$48,900.00. Change Order No. 1 covered the unanticipated cleaning of a tank, and other repairs at both the Mamaroneck WRRF, and at Sprout Brook Facility. Subsequently, on May 25, 2017, your Honorable Board awarded Change Order No. 2 in the amount of \$20,000 to bring the amended contract to a total not to exceed amount of \$68,900.00. Change Order No. 2 was for additional work for pipe leaks and tank cleaning work at the Sprout Brook Facility.

On September 21, 2017, your Honorable Board amended Contract No. EF-1311 to authorize the first extension of the contract for an additional two-year term commencing November 3, 2017, and ending November 2, 2019.

The Contractor has performed several repairs at various County facilities including, repairs for a water leak detection system recently found in one of the fuel tanks at the Yonkers WRRF. Additionally, unexpected conditions required additional work to replace sections of fuel oil piping at the Yonkers WRRF. The cost of this additional work is estimated to be \$40,000.00 and is based upon Contractor's existing labor rates, 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 bids, and therefore, a Change Order to Contract No. EF-1311 is hereby requested.

The work that will be performed by Change Order No. 3 is consistent with 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, and is to be performed in the same vicinity, is necessary to maintain the tanks and was unanticipated until work under the contract began.

The goals and objectives of the contract are to obtain services that will allow the Department to maintain a continued, efficient operation of the fuel systems at County facilities. As expenditures are made pursuant to this authorization, detailed records will be kept in the County's online financial system. These records will be easily accessible by Finance, Budget and Department staff and will be reviewed regularly to ensure that funds are used appropriately. Personnel from the Department will manage and supervise the work performed by the selected Contractor.

This Contract is deemed to fulfill a public purpose as the services provided under this contract protect the building and facilities owned by the County and enable the Department to carry out its basic mission to provide wastewater treatment and maintain satisfactory water quality.

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

Approval of Change Order No. 3:

Total amount of Change Order No. 3	\$40,000
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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.

RESOLUTION

RE: CONTRACT NO. EF-1311- First Extension
CONTRACT AMOUNT: \$ 28,900.00
CHANGE ORDER NO. 1 \$ 20,600.00
CHANGE ORDER NO. 2 \$ 20,000.00
CHANGE ORDER NO. 3 \$ 40,000.00
NET INCREASE: \$ 40,000.00
REVISED CONTRACT AMOUNT: \$ 108,900.00

CHANGE ORDER NO.3

Upon communication from the Commissioner of the Department of Environmental Facilities,

WHEREAS, the Commissioner, Department of Environmental Facilities, requests approval of Change Order No.3 on Contract No. EF-1311 First Extension, between the County of Westchester and American Petroleum Equipment & Construction Company Incorporated, 63 Orange Ave, Walden, NY 12586 for Maintenance Service for Fuel Systems and Related Equipment of the Department of Environmental Facilities, Various County locations, Westchester County, New York; and

WHEREAS, it is requested that Contract No. EF-1311 First Extension, be amended to provide for additional repairs that will be required for maintaining and for safety purposes at any of the various facilities subsequent to the execution of Change Order No. 2 on the Contract; and

WHEREAS, the costs associated with these repairs that cannot be handled with County personnel or equipment have caused the maximum dollar amount allowed in Contract EF-1311- First Extension and Change Order No. 1 and Change Order No. 2 to be exceeded; and

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

RESOLVED, that said Change Order No.3 on Contract No. EF-1311-First Extension be and the same is hereby approved in the amount of \$40,000.00: and be it further

RESOLVED, that all other terms and conditions of Contract No. EF-1311-First Extension 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. 3.....\$40,000.00

Account to be charged/ Credited	Fund	Dept	Magor Program, Program & Phase or Unit	Object/Sub Object	Trust Account	Dollars
2019	221	60	0110	4380-99		\$40,000.00

Budget Funding Year (s) 2019 Start Date: 11/03/14 End Date: 11/02/19

Funding Source: Tax dollars 100% County
 State Aid -0-
 Federal Aid -0-
\$40,000.00 Other -0-

(Must match resolution)