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TO: Board of Acquisition and Contract

FROM: Hugh J. Greechan, Jr., P.E.
Commissioner of Public Works and Transportation

DATE: October 27, 2020

SUBJECT: Change Order No. 1
Contract No. 17-219
Environmental Abatement Services
Various County Facilities
Westchester County, New York

Contractor: Environmental Maintenance Contractors Inc.
Amount of Change Order No. 1: \$481,000.00

On December 28, 2017, your Honorable Board awarded Contract No. 17-219 for Environmental Abatement Services, Various County Facilities, Westchester County, New York to Environmental Maintenance Contractors Inc., 5 Anderson Lane, Goldens Bridge, New York 10526 in the amount of \$596,250.00 (“Contract No. 17-219”).

On October 15, 2020, your Honorable Board authorized the County of Westchester (“County”) to 1) exercise its option to renew Contract No. 17-219 for one two (2) year renewal period and extend the termination date of the contract from April 30, 2021 to April 30, 2023; and 2) increase the amount of the contract by \$397,500.00, from an amount of \$596,250.00 to a new total amount not to exceed \$993,750.00.

The work encompassed under Contract No. 17-219 is that of providing all necessary labor, material and equipment required to furnish abatement services to remove asbestos, lead and mold as required at various locations countywide.

Due to the recent declaration of emergency regarding the COVID-19 pandemic and as part of the County’s return to work plan, modifications to existing work areas and renovations of unoccupied spaces to accommodate staff and the public were identified by the Department of Social Services. As the COVID-19 pandemic has not subsided and is still a continuing event, additional renovations and modifications to these areas are required. In preparation of the renovations to the basement and 9th Floor of 100 East First Street, Mount Vernon, asbestos testing was performed to the flooring and was determined to be positive for asbestos. This work must be completed to do the required renovations necessary to meet the County’s return to work plan and better serve the public (“Unanticipated Work”).

The cost of this Unanticipated Work is estimated to be \$481,000.00 and represents the cost for asbestos abatement of the flooring in the basement and 9th floor of 100 East First Street, Mount Vernon, New York. The cost of \$481,000.00 is based upon the proposal submitted by Environmental Maintenance Contractors Inc., which was reviewed and approved by the Department of Public Works and Transportation and is in accordance with the pricing provided in Contract No. 17-219. This Unanticipated Work related to the COVID-19 pandemic could not have been anticipated at the time of bid, and therefore a Change Order to Contract 17-219 is hereby requested.

The cost of the Unanticipated Work to be performed at 100 East First Street exceeds the amount available under Contract No. 17-219. As Contract No. 17-219 was just renewed through April 30, 2023 it is necessary to increase the amount of the contract now by an amount equal to the work required for the Unanticipated Work. This will enable the County to continue to utilize this Contract No. 17-219 through April 30, 2023.

The objective of this Change Order is to provide abatement work prior to required renovations to maintain a safe environment for all occupants and to better serve the public.

Contract No. 17-219 is in the public's best interest because it will promote the health and safety of the County workforce at these facilities and also the general public by allowing County facilities to remain operational.

As expenditures are made pursuant to this authorization, detailed records will be kept in the County's on-line 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.

This Unanticipated Work is incidental to the original work and does not materially alter the main purpose of the contract so as to constitute a new undertaking. The proposed work is of the same nature as the work contemplated in Contract 17-219, is to be performed according to the terms of the contract and was unanticipated work.

It should be noted that payment for a portion of this Change Order will be made from CARES Act money and that portion of the work will be completed by December 30, 2020.

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	\$481,000.00
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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

CONTRACT NO. 17-219

RE:	CONTRACT NO. <u>15-222</u>	
	CONTRACT AMOUNT:	\$ 596,250.00
	TWO YEAR RENEWAL OPTION:	\$ 397,500.00
	CHANGE ORDER NO. 1:	\$ 481,000.00
	NET INCREASE:	\$ 878,500.00
	REVISED CONTRACT AMOUNT:	\$1,474,750.00

CHANGE ORDER NO. 1

Upon communication from the Commissioner of Public Works and Transportation,

WHEREAS, Hugh J. Greechan, Jr., P.E., Commissioner of Public Works and Transportation, requests approval of Change Order No. 1 on Contract No. 17-219, between the County of Westchester and Environmental Maintenance Contractors Inc., 5 Anderson Lane, Goldens Bridge, New York for Environmental Abatement Services, Various County Facilities, Westchester County, New York; and

WHEREAS, it is requested that Contract No. 17-219 be amended to provide abatement services to ensure the health and safety of the County’s workforce and general public due to the continuing effects of the COVID-19 pandemic for asbestos abatement of the flooring in the basement and 9th floor of 100 East First Street, Mount Vernon, New York; and

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

RESOLVED, that said Change Order No. 1 on Contract No. 17-219 be and the same is hereby approved in the amount of \$481,000.00, representing the cost for necessary services to be provided for asbestos abatement related to necessary renovations of the flooring in the basement and 9th floor of 100 East First Street, Mount Vernon, New York due to the COVID-19 pandemic; and be it further

RESOLVED, that all other terms and conditions of Contract No. 17-219 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 \$481,000.00

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	101	22	0010	4998/01		\$481,000.00 (2020)

Budget Funding Year(s): 2020 **Start Date:** November 1, 2020 **End Date:** December 30, 2020
(must match resolution)

Funding Source:	Tax Dollars	100% County
	State Aid	
<u>\$481,000.00</u> <small>(must match resolution)</small>	Federal Aid	
	Other	