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TO: Board of Acquisition and Contract

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

DATE: June 14, 2021

SUBJECT: Change Order No. 2
Contract No. **EF-1701-1st Extension**
Emergency Repair of Leaks
Westchester County Sewer and Water Districts
Various locations throughout Westchester County, New York

Contractor: ELQ Industries, Inc.

Amount of Change Order No. 2: \$1,900,000.00

On February 13, 2020, your Honorable Board awarded Contract No. EF-1701-1st Extension, Emergency Repair of Leaks for Westchester County Sewer and Water Districts at various locations throughout Westchester County, New York to ELQ Industries, Inc., 567 Fifth Avenue, New Rochelle, N.Y. 10801 in the amount of not to exceed \$3,750,000.00 for a three year term commencing May 23, 2020.

On October 15, 2020, your Honorable Board awarded Change Order No. 1 for Contract No. EF-1701-1st Extension, Emergency Repair of Leaks for Westchester County Sewer and Water Districts at various locations throughout Westchester County, New York to ELQ Industries, Inc., 567 Fifth Avenue, New Rochelle, N.Y. 10801. The amount of Change Order No.1 was \$1,500,000.00, thereby increasing the not to exceed amount of \$3,750,000.00 to \$5,250,000.00.

The County of Westchester ("County") has had the Contractor perform four repairs that were quite large and well in excess of \$100,000 in total repair costs during the original contract that have extended into the first extension of the original contract. In addition, the County has several ongoing large repairs at three of the County Water Resource Recovery Facilities. These repairs are necessary to maintain treatment and to protect integrity of these facilities. The estimated costs of these large repairs will cause the maximum amount allowed in Contract EF-1701-1st Extension and Change Order No. 1 to be exceeded. A separate Contract has been set up to cover costs ongoing costs at Mamaroneck and Blind Brook, while the repairs at Yonkers are nearly complete. These unanticipated costs and number of repairs could not have been planned for when setting up the original contract.

This change order is needed to cover future costs for the duration of Contract EF-1701- 1st Extension associated with the emergency repairs of leaks for Westchester County Sewer and Water Districts at various locations throughout Westchester County, New York and restoration of site conditions after completion of the emergency repairs.

It is recommended that the contract amount be increased to add funds to allow payment for future costs for the final year of Contract EF-1701-1st Extension associated with the emergency repairs of leaks for Westchester County Sewer and Water Districts at various locations throughout Westchester County, New York and restoration of site conditions after completion of the emergency repairs.

It is requested that your Honorable Board approve the attached Resolution for Change Order No. 2 in the amount of \$1,900,000.00 to cover the cost of additional required work, which brings the amended Contract amount to a total of \$7,150,000.00.

This requested additional work 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.

The goal and/or objective of this contract is for a prompt response to a sewer system or water system emergencies which requires an immediate repair on a 24/7 basis. The response and repair work are monitored by representatives of the department throughout the emergency to make sure all applicable regulations, safety precautions and codes regarding the protection of persons and property are adhered to and that a cost-effective project is the end product.

This Contract is deemed to fulfill a public purpose as the services provided under this contract protect the building and facilities owned by the Department of Environmental Facilities and enable the Department to carry out its basic mission to provide wastewater treatment and maintaining satisfactory water quality. The term of this contract is for a period of three (3) consecutive years, subject to appropriations. The Operating Budget for contractual services contains the funds required for this service contract.

A proposed form of resolution is attached.

RESOLUTION

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

WHEREAS, the Commissioner, Department of Environmental Facilities, requests approval of Change Order No.2 on Contract No. EF-1701-1st Extension, between the County of Westchester and ELQ Industries, Inc. 567 Fifth Avenue, New Rochelle, N.Y. 10801 for the Emergency Repair of Leaks for Westchester County Sewer and Water Districts, at various locations, Westchester County, New York; and

WHEREAS, it is requested that Contract No. EF-1701- 1st Extension, be amended due to the expenses associated with emergency services related to four large repairs during the original contract that have extended into the first extension and Change Order No. 1 of the original contract.; and

WHEREAS, the costs associated with these repairs as well as several ongoing large repairs that cannot be handled with County personnel or equipment will cause the maximum dollar amount allowed in Contract EF-1701 -1st Extension and Change Order No. 1 to be exceeded; and

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

RESOLVED, that said Change Order No.2 on Contract No. EF-1701- 1st Extension be and the same is hereby approved in the amount of \$1,900,000.00: and be it further

RESOLVED, that all other terms and conditions of Contract No. EF-1701-1st 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.

RE: CONTRACT NO. **EF-1701-1st Extension**

CONTRACT AMOUNT: \$3,750,000.00
 CHANGE ORDER NO. 1 \$1,500,000.00
 CHANGE ORDER NO. 2 \$1,900,000.00
 REVISED CONTRACT AMOUNT: \$7,150,000.00

Account to be charged/

	Fund	Dept	Major Program, Program & Phase or Unit	Object/Sub Object	Bond Account	Dollars
	322	60	SY037-01-G	6120	136-2011	\$171,882.00
	322	60	SY037-02-C	6120	88-2014	\$578,118.00
	322	60	SBB06-00-C	6120	47-2015	\$150,000.00
2021	221	60	0110	4310		\$250,000.00
2022	221	60	0110	4310		\$500,000.00
2023	221	60	0110	4310		\$250,000.00

Budget Funding Year (s) 2021-2023 Start Date: 05/23/2020 End Date 05/22/2023_

Funding Source:

Tax dollars 100% County
State Aid _____
Federal Aid _____
Other _____

Contractor -
Federal I.D. No.

\$1,900,000.00

(Must match resolution)

APPROVED BOARD OF ACQUISITION & CONTRACT ADMINISTRATION - LISA MARIJAS SECRETARY