

90372

TO: Board of Acquisition and Contract

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

DATE: January 24, 2022

SUBJECT: Resolution for the County of Westchester to approve Change Order No. 1 to Contract No. 17-209 with Unlimited Technology, Inc. for Countywide Installation of Access Control and Security Equipment, Various Locations, Westchester County, New York in an amount not to exceed \$5,350,000.00 increasing the total contract amount to \$13,501,894.33

On September 8, 2017, your Honorable Board awarded Contract No. 17-209 for Countywide Installation of Access Control and Security Equipment, Various Locations, Westchester County, New York to Unlimited Technology, Inc., 500 Executive Boulevard, Suite 139, Elmsford, New York 10523 ("Unlimited Technology") for a term of three (3) years with one two (2) year renewal, in an amount not to exceed \$4,891,136.60 ("Agreement"). The Agreement was duly executed.

Subsequently, on May 28, 2020, your Honorable Board approved a Resolution authorizing the renewal option through September 30, 2022 and increasing the amount of the Agreement by \$3,260,757.73 bringing the total amount of the Agreement to \$8,151,894.33.

Pursuant to the Agreement, Unlimited Technology provides all necessary labor, material and equipment required to install card readers, cameras, conduit, wiring and control equipment at various locations countywide.

This Change Order is necessary to ensure that additional work that could not have been anticipated at the time the Agreement was bid, but is of the nature contemplated by the Agreement, can be undertaken. As part of the ongoing overall reconstruction and rehabilitation of various facilities at Playland Park, installation of a new and upgraded security surveillance system is required. Part of this delay in determining to undertake this work is attributable to the protracted negotiations in connection with the Second Restated and Amended Playland Management Agreement ("PMA") with Standard Amusements, LLC for the operation of the Playland Park. Pursuant to the PMA, the County is responsible to undertake a number of reconstruction and rehabilitation projects at Playland Park. The work covered under the Agreement is work that the County is now obligated to undertake in connection with the County's projects under the PMA. In order to ensure that the County is in compliance with its obligations under the PMA, the County requires Unlimited Technology to perform the work at Playland. This constitutes additional work.

Another reason for the delay in seeking this Change Order is related to the recent default and subsequent termination by the County of its contractor Niram, Inc., Contract No. 20-201 for Playland Infrastructure Rehabilitation project. Had the contract with Niram, Inc. stayed on schedule, the installation of a new and upgraded security surveillance system would have already been well underway and there would not be a need to extend this Agreement.

Additionally, as a result of the supply chain issues associated with the ongoing pandemic, the ability to install the new security surveillance system at Playland Park has been delayed, thus necessitating an extension of this Agreement.

As such a Change Order is required in order to extend the term of the Agreement and increase the not to exceed amount to cover the Playland work. Approval of a time extension to Contract No. 17-209 from September 30, 2022 to May 31, 2023 is requested.

The cost of the additional Playland Park work is estimated to be \$3,350,000.00 and is based upon Unlimited Technology's unit prices, which were reviewed and approved by the Department. Additionally, \$2,000,000.00 of "To Be Determined" file price work is included in this Change Order to fund Access Control and Security Equipment installation at County sites other than Playland Park during the extended contract period.

The objective of this Agreement is to provide access control and security equipment at various County facilities.

This Agreement is in the public's best interest because it will promote the health and safety of the general public by providing a level of protection for infrastructure which is used in dispatching emergency services, and will provide a safer environment for areas that are visited by the public.

The Department will track scheduling and accomplishments by Unlimited Technology and perform on-site inspections to ensure the successful completion of the work.

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 began. The term of the Agreement as amended is October 1, 2017 through May 31, 2023.

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	\$5,350,000.00
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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.

APPROVED BOARD OF ACQUISITION & CONTRACT - 01/27/2022 - RAYMOND SCULLY, SECRETARY

RESOLUTION

RE: CONTRACT NO. <u>17-209</u>	
CONTRACT AMOUNT:	\$ 4,891,136.60
AGREEMENT EXTENSION:	\$ 3,260,757.73
CHANGE ORDER NO. 1:	\$ 5,350,000.00
NET INCREASE:	\$ 8,610,757.73
REVISED CONTRACT AMOUNT:	\$ 13,501,894.33

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. 17-209, between the County of Westchester and Unlimited Technology, Inc., 500 Executive Boulevard, Suite 139, Elmsford, New York 10523 for Countywide Installation of Access Control and Security Equipment, Various Locations, Westchester County, New York, in order to amend Contract No. 17-209 to provide for a new and upgraded security surveillance system at Playland Park and increase the contract amount by \$5,350,000.00 to cover the additional work and to extend the term of Contract No. 17-209 from September 30, 2022 to May 31, 2023; and

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

RESOLVED, that said Change Order No. 1 on Contract No. 17-209 be and the same is hereby approved in the amount of \$5,350,000.00; and be it further

RESOLVED, that a time extension to Contract No. 17-209 from September 30, 2022 to May 31, 2023 be and the same is hereby approved; and be it further

RESOLVED, that all other terms and conditions of Contract No. 17-209 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 \$5,350,000.00

APPROVED BOARD OF ACQUISITION & CONTRACT ADMINISTRATION, SECRETARY

RESOLUTION

Contract No. 17-209, Change Order No. 1

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Bond Act No.	Dollars
	372	42	RP23B02C	6210-99	BA #199-2020	\$380,000.00
	372	42	RP23F01C	6210-99	BA #157-2020	\$500,000.00
	372	42	RP02501C	6210-99	BA #148-2020	\$350,000.00
	372	42	RP02802C	6210-99	BA #161-2020	\$540,000.00
	372	42	RP02803C	6210-99	BA #162-2020	\$350,000.00
	372	42	RP02805C	6210-99	BA #123-2016	\$480,000.00
	372	42	RP02806C	6210-99	BA #196-2020	\$500,000.00
	372	42	RP04001C	6210-99	BA #159-2020	\$250,000.00
			TO BE DETERMINED			\$2,000,000.00

**To Be Determined Account is a File Price Contract:
Price to be paid by user Department**

Budget Funding Year(s) 2022 **Start Date:** October 1, 2017 **End Date:** May 31, 2023
(must match resolution)

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

State Aid _____

\$5,350,000.00 **Federal Aid** _____
(must match resolution)

Other _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 01/27/2022 - PAYMOND SCULLY, PRESIDENT