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**TO:** Board of Acquisition and Contract

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

**DATE:** February 15, 2022

**SUBJECT:** Authority to rescind Resolution approved January 20, 2022 authorizing Change Order No. 1 in an amount of \$15,000.00 to Contract No. ~~21-506~~ with Fanshawe, Inc. dba Rockland Electric and approve Change Order No. 1 in an amount of \$25,000.00.

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On May 3, 2019, your Honorable Board awarded Contract No. 21-506 for Uninterruptible Power Supply Replacement at the Forensic and Toxicology Divisions, Laboratories and Research Facility, Valhalla Campus, Valhalla, New York, to Fanshawe, Inc. dba Rockland Electric, 143 Main Street, 1<sup>st</sup> Floor, Nanuet, New York 10954 ("Contractor"), in the amount of \$191,500.00.

The work under this contract consists of providing all necessary labor, material and equipment required to: remove the existing uninterruptible power supply ("UPS") system and all components, furnish and install a 4-ton split air conditioning ("AC") system, all components and branch circuitry, seal existing UPS room floor, remove existing truck mount UPS system wiring from existing switchgear, install new UPS system lineup with batteries, battery management and conditions system provided by the manufacturer, all UPS components including raceways, conductors, boxes, and the commissioning and testing of the new UPS system and battery monitoring system, as well as all related basic materials and labor.

After award of this contract and as construction progressed, it was discovered that the existing louver and mushroom vents were not only obsolete but possibly detrimental to the project. During construction, it was found that the louvers and mushroom vents allowed the cool air being produced by the new AC to escape the room which could cause the new AC unit to be overused during peak summer season. It is recommended that the louver and mushroom vents be removed in order to maintain proper cooling and also to maintain the life of the new AC unit.

In addition to finding out that the louvers and mushrooms could cause cool air to escape, the Contractor discovered that the room where the AC is located is not insulated properly for either the UPS system or the new split AC system. Proper insulation of the room is required in order to get maximum performance and life out of the units.

The cost of the above indicated additional work is estimated to be \$25,000.00 which is based upon a lump sum price proposed by Fanshawe, Inc. dba Rockland Electric, which lump sum price has been reviewed and approved by the Department.

The additional work, which was discovered during construction, could not have been anticipated at the time of bid, and therefore a Change Order to Contract 21-506 is hereby requested.

This contract is in the public's best interest because it will replace the existing UPS system that has failed which powers the Forensic and Toxicology Divisions of the Laboratories and Research Facility on the Valhalla Campus.

The Department of Public Works and Transportation 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 July 15, 2021 to March 14, 2023.

It should be noted that your Honorable Board previously approved Change Order No. 1 in the amount of \$15,000.00 on January 20, 2022 for a portion of this work (the "January 20, 2022 Resolution"). It was discovered shortly after the January 20, 2022 Resolution was approved that additional work regarding the insulation was required. Rather than have a second Change Order for this contract, it is recommended that the January 20, 2022 Resolution be rescinded and replaced with the proposed resolution. No funds have been spent under the January 20, 2022 Resolution.

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.

HJG/NS

APPROVED BOARD OF ACQUISITION & CONTRACT, 2022-01-20 RAYMOND S. SMITH, SECRETARY

# RESOLUTION

**RE: CONTRACT NO. 21-506**  
**CONTRACT AMOUNT: \$ 191,500.00**  
**CHANGE ORDER NO. 1: \$ 25,000.00**  
**REVISED CONTRACT AMOUNT: \$ 216,500.00**

## 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. 21-506, between the County of Westchester and Fanshawe, Inc. dba Rockland Electric, 143 Main Street, 1<sup>st</sup> Floor, Nanuet, New York 10954, for Uninterruptible Power Supply Replacement, Forensic and Toxicology Divisions, Laboratories and Research Facility, Valhalla Campus, Valhalla, New York; and

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

**RESOLVED**, that the Resolution approved on January 20, 2022 for Change Order No. 1 for Contract No. 21-506 between the County of Westchester and Fanshawe, Inc. dba Rockland Electric be rescinded; and be it further

**RESOLVED**, that Change Order No. 1 for Contract No. 21-506 between the County of Westchester and Fanshawe, Inc. dba Rockland Electric, be and the same is hereby approved in the amount of \$25,000.00; and be it further

**RESOLVED**, that all other terms and conditions of Contract No. 21-506 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 ..... \$25,000.00**

Account to be Charged/Credited

Fund	Dept.	Major Program, Program & Phase or Unit	Object/ Sub Object	Bond Act No.	Dollars
331	31	BLR1004C	6210-99	BA #20-2021	\$25,000.00

Budget Funding Year(s): 2022 Start Date: July 15, 2021 End Date: March 14, 2023  
(must match resolution)

Funding Source: Tax Dollars 100% County

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

\$25,000.00 Federal Aid \_\_\_\_\_  
(must match resolution)

Other \_\_\_\_\_