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TO: Board of Acquisition and Contract

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

DATE: February 21, 2022

SUBJECT: Approval of Change Order No. 1 for Contract No. **EF-2104**
Between the County of Westchester and D&M Electrical Contracting, Inc. for
Emergency Electrical Service Replacement at the
Ossining Water Resource Recovery Facility in an amount of
\$1,753,208.00

As I informed your Honorable Board in a Declaration of Emergency Situation memorandum dated January 6, 2021, the main source of electrical power to the Ossining Water Resource Recovery Facility is supplied by twin overhead medium voltage cables attached to a wooden utility pole adjacent to the plant. One of the cables has faulted in the past due to water in the insulation. If both cables were to fail, the plant would have to be powered by generators for an extended period of time and if they were to also fail, would terminate the treatment of wastewater violating the State permit. On April 29, 2021, your Honorable Board awarded Contract No. EF-2104 for Emergency Electrical Service Replacement, Ossining Water Resource Recovery Facility, Ossining, New York to D&M Electrical Contracting, Inc., 90 South Central Avenue, Ossining, New York 10523, in the amount of \$2,200,000.00. This contract includes all necessary labor, material and equipment required to replace the facility's electrical service including primary and secondary cable feeders, automatic transfer switches, transformers, switchgear and all related ancillary items.

After award of this contract and as the project progressed, Con Edison imposed requirements for new equipment and the need to elevate new equipment above the new FEMA design flood elevations. These elements could not have been anticipated at the time of the original approval to award. These unexpected conditions require additional work to complete the project.

In addition to the Con Edison requirements, recent disruption in the supply chains has resulted in material shortages and dramatic price increases which has also had an impact on the overall project cost.

Only Change Order work authorized by the County of Westchester ("County") or the County's construction administrator in writing shall be performed by the contractor and will be paid for by the County. Payment to the contractor will be determined in strict accordance with the provisions of Article 30, "Extra Work: Increased Compensation/Decreased Work: Credit to the Owner" of the General Clauses in the contract.

The objective of this Change Order is to complete the work needed to replace the electrical service at the Ossining Water Resource Recovery Facility.

This Change Order is in the public's best interest because it protects plant equipment, provides improved plant operability and reliability, and ensures that the plant's operations are safe and environmentally compliant, thereby enhancing the health and general welfare of the residents of Westchester County.

The department 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 at the time of award.

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.....\$1,753,208.00

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.

VFK/JMG/dlv

APPROVED BOARD OF ACQUISITION & CONTRACT - 02/24/2022 - RAYMOND SCULLY, SECRETARY

